

# Best Available Copy

DALE JMW  
PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/658,835
		Filing Date	September 8, 2000
		First Named Inventor	DUVICK, Jonathan et al.
		Art Unit	1638
		Examiner Name	IBRAHIM, Medina Ahmed
Total Number of Pages in This Submission	93	Attorney Docket Number	P05573US2 - PHI 1134R

### ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Exhibits 1-13 to accompany Petition for Revival of an Application
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	McKEE, VOORHEES & SEASE, P.L.C.		
Signature			
Printed name	LILA A. T. AKRAD		
Date	7/22/05	Reg. No.	52,550

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	LILA A. T. AKRAD	Date	7/22/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

*Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).*

# FEE TRANSMITTAL For FY 2005

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ ) 1,500.00

## Complete if Known

Application Number	09/658,835
Filing Date	September 8, 2000
First Named Inventor	DUVICK, Jonathan et al.
Examiner Name	IBRAHIM, Medina Ahmed
Art Unit	1638
Attorney Docket No.	P05573US2 - PHI 1134R

## METHOD OF PAYMENT (check all that apply)

- Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_  
 Deposit Account Deposit Account Number: 26-0084 Deposit Account Name: McKee, Voorhees & Sease, PLC

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

- Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17  Credit any overpayments

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		<u>Fees Paid (\$)</u>
	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

### 2. EXCESS CLAIM FEES

#### Fee Description

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent

Multiple dependent claims

<u>Total Claims</u>	<u>Extra Claims</u>		<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>		<u>Fee (\$)</u>	<u>Small Entity</u>
	<u>Fee (\$)</u>	<u>Fee (\$)</u>			<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>		
- 20 or HP =		x	=					
HP = highest number of total claims paid for, if greater than 20								
<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>					
- 3 or HP =		x	=					
HP = highest number of independent claims paid for, if greater than 3								

### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
_____	- 100 =	/ 50 =	(round up to a whole number) x	=

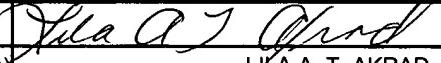
### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Petition For Revival of Application

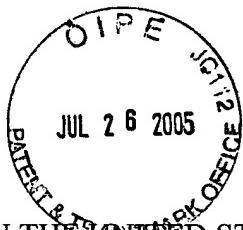
1,500.00

## SUBMITTED BY

Signature		Registration No. 52,550 (Attorney/Agent)	Telephone 515-288-3667
Name (Print/Type)	LILA A. T. AKRAD		Date 7/22/05

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : DUVICK, Jonathan et al.  
SERIAL NO : 09/658,835  
FILED : September 8, 2000  
TITLE : AMINO POLYOL AMINE OXIDASE POLYNUCLEOTIDES AND RELATED POLYPEPTIDES AND METHODS OF USE

Grp./A.U. : 1638  
Examiner : IBRAHIM, Medina Ahmed  
Conf. No. : 2865  
Docket No. : P05573US2 - PHI 1134R

**ATTN: OFFICE OF PETITIONS**

**Mail Stop Petition**  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION  
FOR PATENT ABANDONED UNINTENTIONALLY  
UNDER 37 C.F.R. § 1.137(b)  
AND/OR FOR PATENT ABANDONED UNAVOIDABLY  
UNDER 37 C.F.R. § 1.137(a)**

1. Applicants petition for the revival of the above-identified application. The Official Draftsperson, Mr. Nhan Tang, stated in a phone conversation on June 21, 2005 (Exhibit 13) that the above-referenced application would receive A Notice of Abandonment. This case was unintentionally and inadvertently abandoned due to a technicality (i.e. typographical error) of the incorrect U.S. Serial No. after the issue fee was paid and corrected drawings were requested, sent in and accepted by Mr. Nhan Tang on April 27, 2005 (Exhibit 11).

07/27/2005 MAHMED1 00000045 09658835

01 FC:1453

1500.00 OP

---

**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

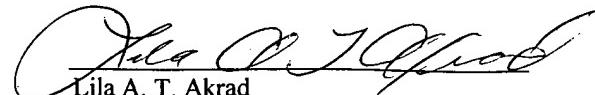
**MAILING**

deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the **ATTENTION: Office of Petitions, Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

**FACSIMILE**

transmitted by facsimile to the Patent and Trademark Office, Art Unit 1638, **ATTENTION: Office of Petitions at Fax No. (571) 273-8300.**

Date: 7/22/05



Lila A. T. Akrad

2. If revival is unavailable under 37 C.F.R. § 1.137(b) please consider this petition under 37 C.F.R. § 1.137(a) as unavoidable. (See Alternative Venue heading below).

#### **NATURE OF ABANDONMENT**

3. In a telephone conversation on June 21, 2005 (Exhibit 13) between the attorney of record's assistant, Michelle Woods, and the Official Draftsperson, Mr. Nhan Tang, the undersigned has noted that the above-identified application is being forwarded to the Abandoned files because the Applicants' response to the Request for Corrected Drawings contained the wrong U.S. Serial No. on the postcard and the Letter to Official Draftsperson (37 C.F.R. § 1.85) that was originally filed on December 22, 2003 (Exhibit 2) and then again on February 4, 2004 (Exhibit 6), March 18, 2005 (Exhibit 9) and April 19, 2005 (via email) (Exhibit 10). A Notice of Allowance was received on October 3, 2003 with the Request for Corrected Drawings (Exhibit 1).
4. The filing of the Reply to the Official Draftsperson for the above-identified application was not delayed as evidenced by the exhibits attached herewith. In fact the case is abandoned according to Mr. Nhan Tang due to the Applicants inadvertently and unintentionally having typed the incorrect U.S. Serial No. 09/659,835 on the postcard and Letter to the Official Draftsperson versus the proper U.S. Serial No. 09/658,835 and therefore the Official Draftsperson, Mr Nhan Tang, stated the case would be abandoned, even after allowance, payment of issue fee and acceptance of the corrected drawings that were submitted. (Exhibit 1, Exhibit 3 and Exhibit 11, respectively).
5. Showings from the Applicants as to the causes of the unintentional delay are filed herewith; said showing establishes that the entire delay from the identified typographical error by Mr. Nhan Tang of the incorrect U.S. Serial No. on the postcard and the Letter to Official Draftsperson (37 C.F.R. § 1.85) from the date of the reply until the filing of this petition was unintentional. 37 C.F.R. § 1.137(b)(3).

### **LARGE ENTITY STATUS OF APPLICANT**

6. It is confirmed that large entity status for this application has been checked and is still in effect.
7. The fee required by 37 C.F.R. § 1.17(m) of **\$1,500.00** is also being paid as a condition of filing a petition for the revival of an unintentionally abandoned application.

### **ALTERNATIVE VENUE**

8. If revival is unavailable under 37 C.F.R. § 1.137(b) Applicants respectfully submit the Petition For Revival be considered under 37 C.F.R. § 1.137(a) as unavoidable. No other fees or extensions of time are believed to be due in connection with this Petition for Revival; however, consider this a request for any fees inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

### **AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY**

9. The Director is hereby authorized to charge any maintenance or surcharge fee to Account No. 26-0084 and credit any overpayments.

## REMARKS

The facts and circumstances presented show that although reasonable care was taken to respond to all Office Communications, a response to the Request for Corrected Drawings in the Notice of Allowance of October 3, 2003 (Exhibit 1), was never appropriately filed in the above-identified case because Applicants inadvertently and unintentionally submitted the documentation with the wrong U.S. Serial No. on the postcard and the Letter to Official Draftsperson (37 C.F.R. § 1.85) that was originally filed on December 22, 2003 (Exhibit 2) and then again on February 4, 2004 (Exhibit 6), March 18, 2005 (Exhibit 9) and April 19, 2005 (Exhibit 10). Applicants later received a Notice of Abandonment mailed on August 4, 2004 (Exhibit 4) that was later rescinded on February 17, 2005 (Exhibit 7). It was the understanding of the Applicants as of the email communication with Mr. Nhan Tang on April 27, 2005 that the above-identified application would issue with the corrected drawings. Therefore, Pioneer Hi-Bred International, Inc. respectfully requests that revival of the abandoned application be accepted and the case be allowed to issue as the Notice of Allowance was received October 3, 2003 and the issue fee was paid January 2, 2004 (Exhibit 3) and the Official Draftsperson, Mr. Nhan Tang allowed the corrected drawings as evidenced by his email on April 27, 2005 (Exhibit 11). The sole reason for the present abandonment, according to Mr. Nhan Tang, was an inadvertent and unintentional error of the U.S. Serial No. on the postcard and the Letter to Official Draftsperson (37 C.F.R. § 1.85) which Mr. Tang stated in a telephone communication prevented him from approving the already accepted drawings (Exhibit 13).

The attached exhibits (Exhibits 1-13) set forth the factual basis for these remarks. The exhibits include attorney-client communications. These communications are presented solely for the purpose of supporting this petition, and the attorney-client privilege is in no way waived beyond the documents themselves, included within this petition.

The above-identified application is set to receive a Notice of Abandonment according to Official Draftsperson, Mr. Nhan Tang, on June 21, 2005. Applicants have already paid the issue fee and submitted accepted Corrected Drawings and wish to expedite issuance of the above-identified application.

Pioneer Hi-Bred International, Inc. and the Attorneys of Record, McKee Voorhees & Sease, P.L.C. (hereinafter "the law firm") exercised reasonable care in complying with the Notice

of Allowance and the Request for Corrected Drawings therein. Reasonable care was used to submit corrected drawings as requested and was accepted as in compliance on April 27, 2005 (Exhibit 11) via email with Mr. Tang, however he then notified the law firm on June 21, 2005 (Exhibit 13) that due to the inadvertent and unintentional mistake of the wrong U.S. Serial No. being used on the postcard and Letter to the Official Draftsperson that he could not allow the case. In particular, Mr Tang informed Applicants of their inadvertent and unintentional error of the wrong U.S. Serial No. 09/659,835 used on the postcard and Letter to the Official Draftsperson versus the proper U.S. Serial No. 09/658,835 therefore he could not allow the corrected drawings previously allowed on April 27, 2005.

Attached are copies of the Notice of Allowance received October 3, 2003 (Exhibit 1); response to the Request for Corrected Drawings through the Letter to Official Draftsperson (37 C.F.R. § 1.85) that was originally filed on December 22, 2003 and then again on January 2, 2004 (Exhibit 2); Issue fee payment on January 2, 2004 (Exhibit 3); Notice of Abandonment mailed on August 4, 2004 (Exhibit 4); Information for Withdrawal of Abandonment – PTO Has No Evidence That Mailed Correspondence Received (37 C.F.R. § 1.8(b) submitted August 19, 2004 (Exhibit 5); February 4, 2005 resubmission of postcard and Letter to the Official Draftsperson as requested (Exhibit 6); Rescission of the Notice of Abandonment received on February 17, 2005 (Exhibit 7); Request for Corrected Drawings mailed March 2, 2005 (Exhibit 8); March 18, 2005, resubmission of postcard and response to the Request for Corrected Drawings through the Letter to Official Draftsperson (37 C.F.R. § 1.85) (Exhibit 9); April 19, 2005 email correspondence with the Official Draftsperson, Mr. Tang regarding resubmission of postcard and response to the Request for Corrected Drawings through the Letter to Official Draftsperson (37 C.F.R. § 1.85) as requested (Exhibit 10); email correspondence with Mr. Tang allowing the drawings submitted on April 19, 2005 (Exhibit 11); June 21, 2005 email correspondence with Mr. Tang regarding resubmission of pdf documents requested (Exhibit 12); memorandum to file regarding telephone conversation between Michelle Woods and Mr. Tang on June 21, 2005 (Exhibit 13). Therefore, Applicants respectfully request the corrected drawings be allowed as the only error was a technicality of the inaccurate U.S. Serial No. on the postcard and the Letter to Official Draftsperson (37 C.F.R. § 1.85).

In submission of the Letter to Official Draftsperson (37 C.F.R. § 1.85), U.S. Serial No. 09/658,835, an inadvertent and unintentional error was made procedurally by filing the postcard and the Letter to Official Draftsperson (37 C.F.R. § 1.85) with U.S. Serial No. 09/659,835. Applicants never intended the present case to be abandoned and thus are submitting this Petition for Revival for the purposes of obtaining issuance of 09/658,835 as Applicants have complied with all aspects of issuance including submitting accepted drawings (Exhibit 11) and payment of the issue fee (Exhibit 3). In addition, Pioneer Hi-Bred International, Inc. and the law firm do attest that the entire delay in issuance of the above-identified case was unintentional pursuant to § 1.137(b) and under § 1.137(a) was unavoidable due to Applicants' recognition of the inadvertent and typographical error.

The facts of the matter indicate clearly that Pioneer Hi-Bred International, Inc., Lila A. T. Akrad, and the law firm exercised reasonable care to ensure the application was not abandoned. Nevertheless, an inadvertent and unintentional error was made when filing the Letter to Official Draftsperson (37 C.F.R. § 1.85) as discussed *supra*.

At this point in time, it is not known how the inadvertent and unintentional error was not observed by Pioneer Hi-Bred International, Inc. or the law firm. Regardless, it is clear that not only was reasonable care exercised in the entire delay in filing the required Request for Corrected Drawings in the above-identified case from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) and under § 1.137(a) was unintentional and unavoidable respectively, and not only did Pioneer Hi-Bred International, Inc. not intend to abandon the application, but also Pioneer Hi-Bred International, Inc. believed it was in compliance with all Office Communications.

After receiving the telephone call from Official Draftsperson, Mr. Nhan Tang, on June 21, 2005, that a Notice of Abandonment was being sent, a prompt and timely investigation was made in order to prepare this Petition for Revival. Therefore, Pioneer Hi-Bred International, Inc. respectfully petitions that the unintentional and inadvertent error of Applicants' response to the Request for Corrected Drawings containing the wrong U.S. Serial No. on the postcard and on the

Letter to Official Draftsperson (37 C.F.R. § 1.85) of application U.S. Serial No. 09/658,835 be granted thereby permitting issuance of said case.

Respectfully submitted,



LILA A. T. AKRAD, Reg. No. 52,550  
McKEE, VOORHEES & SEASE  
Attorneys of Record  
801 Grand Avenue, Suite 3200  
Des Moines, Iowa 50309-2721  
Phone No. (515) 288-3667  
Fax No. (515) 288-1338  
**CUSTOMER NO: 27142**

Attorneys of Record

- lata /pw -



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

## NOTICE OF ALLOWANCE AND FEE(S) DUE

27142 7590 10/03/2003

MCKEE, VOORHEES & SEASE, P.L.C.  
ATTN: PIONEER HI-BRED  
801 GRAND AVENUE, SUITE 3200  
DES MOINES, IA 50309-2721

EXAMINER

IBRAHIM, MEDINA AHMED

ART UNIT

PAPER NUMBER

1638

DATE MAILED: 10/03/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,835	09/08/2000	Jonathan P. Duvick	1134R	2865

TITLE OF INVENTION: AMINO POLYOL AMINE OXIDASE POLYNUCLEOTIDES AND RELATED POLYPEPTIDES AND METHODS OF USE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$0	\$1330	01/05/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

Applicant claims SMALL ENTITY status.  
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,835	09/08/2000	Jonathan P. Duvick	1134R	2865
27142	7590	10/03/2003	EXAMINER	
MCKEE, VOORHEES & SEASE, P.L.C. ATTN: PIONEER HI-BRED 801 GRAND AVENUE, SUITE 3200 DES MOINES, IA 50309-2721			IBRAHIM, MEDINA AHMED	
		ART UNIT		PAPER NUMBER
				1638

DATE MAILED: 10/03/2003

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 148 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 148 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,835	09/08/2000	Jonathan P. Duvick	1134R	2865
27142	7590	10/03/2003	EXAMINER	
MCKEE, VOORHEES & SEASE, P.L.C. ATTN: PIONEER HI-BRED 801 GRAND AVENUE, SUITE 3200 DES MOINES, IA 50309-2721			IBRAHIM, MEDINA AHMED	
		ART UNIT		PAPER NUMBER
		1638		

DATE MAILED: 10/03/2003

## Notice of Fee Increase on October 1, 2003

If a reply to a "Notice of Allowance and Fee(s) Due" is filed in the Office on or after October 1, 2003, then the amount due will be higher than that set forth in the "Notice of Allowance and Fee(s) Due" since there will be an increase in fees effective on October 1, 2003. See Revision of Patent Fees for Fiscal Year 2004; Final Rule, 68 Fed. Reg. 41532, 41533, 41534 (July 14, 2003).

The current fee schedule is accessible from (<http://www.uspto.gov/main/howtofees.htm>).

If the fee paid is the amount shown on the "Notice of Allowance and Fee(s) Due" but not the correct amount in view of the fee increase, a "Notice of Pay Balance of Issue Fee" will be mailed to applicant. In order to avoid processing delays associated with mailing of a "Notice of Pay Balance of Issue Fee," if the response to the Notice of Allowance is to be filed on or after October 1, 2003 (or mailed with a certificate of mailing on or after October 1, 2003), the issue fee paid should be the fee that is required at the time the fee is paid. If the issue fee was previously paid, and the response to the "Notice of Allowance and Fee(s) Due" includes a request to apply a previously-paid issue fee to the issue fee now due, then the difference between the issue fee amount at the time the response is filed and the previously-paid issue fee should be paid. See Manual of Patent Examining Procedure, Section 1308.01 (Eighth Edition, August 2001).

Effective October 1, 2003, 37 CFR 1.18 is amended by revising paragraphs (a) through (c) to read as set forth below.

### Section 1.18 Patent post allowance (including issue) fees.

(a) Issue fee for issuing each original or reissue patent, except a design or plant patent:

By a small entity (Sec. 1.27(a))..... \$665.00  
By other than a small entity..... \$1,330.00

(b) Issue fee for issuing a design patent:

By a small entity (Sec. 1.27(a))..... \$240.00  
By other than a small entity..... \$480.00

(c) Issue fee for issuing a plant patent:

By a small entity (Sec. 1.27(a))..... \$320.00  
By other than a small entity..... \$640.00

Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/658,835	DUVICK ET AL.	
	Examiner Medina A Ibrahim	Art Unit 1638	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the amendment filed 08/26/03.
2.  The allowed claim(s) is/are 1-9, 12, 34, 36-38 renumbered as 1-14, respectively.
3.  The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

5.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a)  The translation of the foreign language provisional application has been received.
6.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8.  CORRECTED DRAWINGS must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No. \_\_\_\_\_.
  - (b)  including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

- |  |  |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____.   |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____.              | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment         |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9 <input type="checkbox"/> Other   |

Art Unit: 1638

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

#### **In The Specification:**

On page 8, last line, "pending US application no 08/888, 950" has been replaced with ---US Patent no. 6, 229, 071---.

#### **In The Claims:**

In claims 1 and 34, "further" in part (b) has been deleted.

Papers relating to this application may be submitted to Technology Sector 1 by facsimile transmission. Papers should be faxed to Crystal Mall 1, Art Unit 1638, using fax number (703) 308-4242. All Technology Sector 1 fax machines are available to receive transmissions 24 hrs/day, 7 days/wk. Please note that the faxing of such papers must conform with the Notice published in the Official Gazette, 1096 OG 30, (November 15, 1989).

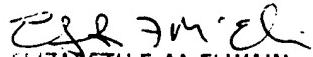
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Medina a. Ibrahim whose telephone number is (703) 306-5822. The Examiner can normally be reached Monday -Thursday from 9:00AM to 6:00 P.M. and every other Friday from 9:00-5:30P.M.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Amy Nelson, can be reached at (703) 306-3218.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-0196.

9/27/03

MAI

  
ELIZABETH F. McELWAIN  
PRIMARY EXAMINER  
GROUP 1600

## NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 9-8-00 are:

- A.  approved by the Draftsperson under 37 CFR 1.84 or 1.152.  
 B.  objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. The Examiner will require submission of new, corrected drawings when necessary. Corrected drawing must be submitted according to the instructions on the back of this notice.

<p><b>1. DRAWINGS.</b> 37 CFR 1.84(a): Acceptable categories of drawings:  <input type="checkbox"/> Black ink. Color.  <input type="checkbox"/> Color drawings are not acceptable until petition is granted.  <input checked="" type="checkbox"/> Fig(s) _____  <input checked="" type="checkbox"/> Pencil and non black ink not permitted. Fig(s) _____</p> <p><b>2. PHOTOGRAPHS.</b> 37 CFR 1.84(b)  <input type="checkbox"/> 1 full-tone set is required. Fig(s) _____  <input type="checkbox"/> Photographs may not be mounted. 37 CFR 1.84(e)  <input checked="" type="checkbox"/> Poor quality (half-tone). Fig(s) _____</p> <p><b>3. TYPE OF PAPER.</b> 37 CFR 1.84(e)  <input type="checkbox"/> Paper not flexible, strong, white, and durable.  <input type="checkbox"/> Fig(s) _____  <input type="checkbox"/> Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted. Fig(s) _____  <input type="checkbox"/> Mylar, vellum paper is not acceptable (too thin).  <input type="checkbox"/> Fig(s) _____</p> <p><b>4. SIZE OF PAPER.</b> 37 CFR 1.84(f): Acceptable sizes:  <input type="checkbox"/> 21.0 cm by 29.7 cm (DIN size A4)  <input type="checkbox"/> 21.6 cm by 27.9 cm (8 1/2 x 11 inches)  <input type="checkbox"/> All drawing sheets not the same size.  <input checked="" type="checkbox"/> Sheet(s) _____  <input type="checkbox"/> Drawings sheets not an acceptable size. Fig(s) _____</p> <p><b>5. MARGINS.</b> 37 CFR 1.84(g): Acceptable margins:  <input type="checkbox"/> Top 2.5 cm Left 2.5cm Right 1.5 cm Bottom 1.0 cm    SIZE: A4 Size  <input type="checkbox"/> Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm    SIZE: 8 1/2 x 11  <input type="checkbox"/> Margins not acceptable. Fig(s) _____  <input type="checkbox"/> Top (T) _____ Left (L) _____  <input type="checkbox"/> Right (R) _____ Bottom (B) _____</p> <p><b>6. VIEWS.</b> 37 CFR 1.84(h)  <b>REMINDER:</b> Specification may require revision to correspond to drawing changes.    Partial views. 37 CFR 1.84(h)(2)  <input type="checkbox"/> Brackets needed to show figure as one entity.  <input type="checkbox"/> Fig(s) _____  <input checked="" type="checkbox"/> Views not labeled separately or properly.  <input type="checkbox"/> Fig(s) <u>1-2</u>  <input type="checkbox"/> Enlarged view not labeled separately or properly.  <input type="checkbox"/> Fig(s) _____</p> <p><b>7. SECTIONAL VIEWS.</b> 37 CFR 1.84(h)(3)  <input type="checkbox"/> Hatching not indicated for sectional portions of an object.  <input type="checkbox"/> Fig(s) _____  <input type="checkbox"/> Sectional designation should be noted with Arabic or Roman numbers. Fig(s) _____</p>	<p><b>8. ARRANGEMENT OF VIEWS.</b> 37 CFR 1.84(i)  <input type="checkbox"/> Words do not appear on a horizontal, left-to-right fashion  <input type="checkbox"/> when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) _____</p> <p><b>9. SCALE.</b> 37 CFR 1.84(k)  <input type="checkbox"/> Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction.  <input type="checkbox"/> Fig(s) _____</p> <p><b>10. CHARACTER OF LINES, NUMBERS, &amp; LETTERS.</b>    37 CFR 1.84(l)  <input type="checkbox"/> Lines, numbers &amp; letters not uniformly thick and well defined, clean, durable, and black (poor line quality).  <input type="checkbox"/> Fig(s) _____</p> <p><b>11. SHADING.</b> 37 CFR 1.84(m)  <input type="checkbox"/> Solid black areas pale. Fig(s) _____  <input type="checkbox"/> Solid black shading not permitted. Fig(s) _____  <input type="checkbox"/> Shade lines, pale, rough and blurred. Fig(s) _____</p> <p><b>12. NUMBERS, LETTERS, &amp; REFERENCE CHARACTERS.</b>    37 CFR 1.84(p)  <input type="checkbox"/> Numbers and reference characters not plain and legible.  <input type="checkbox"/> Fig(s) _____  <input type="checkbox"/> Figure legends are poor. Fig(s) _____  <input type="checkbox"/> Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1)  <input type="checkbox"/> Fig(s) _____  <input type="checkbox"/> English alphabet not used. 37 CFR 1.84(p)(2)  <input type="checkbox"/> Figs _____  <input type="checkbox"/> Numbers, letters and reference characters must be at least .32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3)  <input type="checkbox"/> Fig(s) _____</p> <p><b>13. LEAD LINES.</b> 37 CFR 1.84(q)  <input type="checkbox"/> Lead lines cross each other. Fig(s) _____  <input type="checkbox"/> Lead lines missing. Fig(s) _____</p> <p><b>14. NUMBERING OF SHEETS OF DRAWINGS.</b> 37 CFR 1.84(t)  <input type="checkbox"/> Sheets not numbered consecutively, and in Arabic numerals beginning with number 1. Sheet(s) _____</p> <p><b>15. NUMBER OF VIEWS.</b> 37 CFR 1.84(u)  <input type="checkbox"/> Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) _____</p> <p><b>16. CORRECTIONS.</b> 37 CFR 1.84(w)  <input type="checkbox"/> Corrections not made from prior PTO-948 dated _____</p> <p><b>17. DESIGN DRAWINGS.</b> 37 CFR 1.152  <input type="checkbox"/> Surface shading shown not appropriate. Fig(s) _____  <input type="checkbox"/> Solid black shading not used for color contrast.  <input type="checkbox"/> Fig(s) _____</p>
<b>COMMENTS</b>	

REVIEWER DATE 1-23-02 TELEPHONE NO. \_\_\_\_\_ATTACHMENT TO PAPER NO. 091-65-03

## REMINDER

Drawing changes may also require changes in the specification, e.g., if Fig. 1 is changed to Fig. 1A, Fig. 1B, Fig. 1C, etc., the specification, at the Brief Description of the Drawing, must likewise be changed. Please make such changes by 37 CFR 1.312 amendment at the time of submitting drawings.

### INFORMATION ON HOW TO EFFECT DRAWING CHANGES

#### **1. Correction of Drawings - 37 CFR 1.85**

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawing should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

#### **2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed change.

#### **Timing of Corrections**

Applicant is required to submit the drawings corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : DUVICK, et al.  
SERIAL NO : 09/659,835  
FILED : September 8, 2000  
TITLE : AMINO POLYOL AMINE OXIDASE POLYNUCLEOTIDES AND  
RELATED POLYPEPTIDES AND METHODS OF USE

Grp./A.U. : 1638  
Examiner : IBRAHIM, Medina Ahmed  
Conf. No. : 2865  
Docket No. : P05573US2 PHI 1134R

**LETTER TO OFFICIAL DRAFTSPERSON**  
**(37 C.F.R. § 1.85)**

**Mail Stop Issue Fee**  
**Attn: Official Draftsperson**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Allowability mailed October 3, 2003, please amend the above-identified application as follows:

Applicants respectfully submit that the drawings have now been amended to be in compliance with 37 C.F.R. § 1.84. Please substitute the new drawing sheets 1 and 2 containing Figures 1A-1B (sheet 1) and 2A-2B (sheet 2) for the drawing sheets presently of record. No new matter has been added.

---

---

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

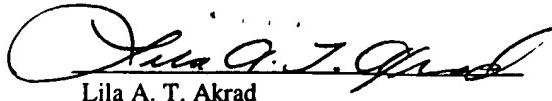
deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Mail Stop ISSUE FEE, Alexandria, VA 22313-1450.

Date: 12/22/2003

**FACSIMILE**

transmitted by facsimile to the Patent and Trademark Office, Art Unit 1638 at Fax No. (703) 872-\_\_\_\_\_.

Lila A. T. Akad



## **REMARKS**

These drawing sheets include the corrections as required in the Notice of Draftperson's Patent Drawing Review enclosed herewith, dated September 25, 2003 in the above application. Please submit these new formal drawings in the place of the drawings presently of record.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



LILA A. T. AKRAD, Reg. No. 52,550  
McKEE, VOORHEES & SEASE, P.L.C.  
801 Grand Avenue, Suite 3200  
Des Moines, Iowa 50309-2721  
Phone No: (515) 288-3667  
Fax No: (515) 288-1338  
**CUSTOMER NO: 27142**

Attorneys of Record

- bja/LATA -

NOTICE OF DRAFTSPERSON'S  
PATENT DRAWING REVIEWThe drawing(s) filed (insert date) 9-8-00 are:

- approved by the Draftsperson under 37 CFR 1.84 or 1.152.  
 objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. The Examiner will require submission of new, corrected drawings when necessary. Corrected drawing must be submitted according to the instructions on the back of this notice.

## 1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings:

- Black ink. Color. Fig(s) \_\_\_\_\_  
 Color drawings are not acceptable until patent is granted.

 Hand lettering and black ink not permitted. Fig(s) \_\_\_\_\_

## 2. PHOTOGRAPHS. 37 CFR 1.84(b)

- A full-size set is required. Fig(s) \_\_\_\_\_  
 Photographs may not be mounted. 37 CFR 1.84(c)

## 3. TYPE OF PAPER. 37 CFR 1.84(e)

- Paper not flexible, strong, white, and durable. Fig(s) \_\_\_\_\_  
 Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted. Fig(s) \_\_\_\_\_  
 Mylar, velum paper is not acceptable (too thin). Fig(s) \_\_\_\_\_

## 4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:

- 91 mm by 107 mm (IN size A4)  
 21.6 cm by 27.9 cm (8 1/2 x 11 inches)

 All drawing sheets not the same size. Drawing sheets not 21.6 cm by 27.9 cm (8 1/2 x 11 inches)  
 Drawings sheets not an acceptable size. Fig(s) \_\_\_\_\_

## 5. MARGINS. 37 CFR 1.84(g): Acceptable margins:

- Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm  
 SIZE: A4 Size  
 Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm  
 SIZE: 8 1/2 x 11  
 Margins not acceptable. Fig(s) \_\_\_\_\_  
 Top (T) Left (L)  
 Right (R) Bottom (B)

## 6. VIEWS. 37 CFR 1.84(h)

**REMINDER:** Specification may require revision to correspond to drawing changes.  
 Partial views. 37 CFR 1.84(h)(2)

- Brackets needed to show figure as one entity. Fig(s) \_\_\_\_\_  
 Views not labeled separately or properly. Fig(s) \_\_\_\_\_  
 Enlarged View not labeled separately or properly. Fig(s) \_\_\_\_\_

## 7. SECTIONAL VIEWS. 37 CFR 1.84 (h)(3)

- Hatching not indicated for sectional portions of an object. Fig(s) \_\_\_\_\_  
 Sectional designation should be noted with Arabic or Roman numbers. Fig(s) \_\_\_\_\_

## 8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

- Words do not appear in horizontal, left-to-right fashion.  
 When page is either portrait or turned so that the top becomes the right side, except for figures. Fig(s) \_\_\_\_\_  
 SCALE 37 CFR 1.84(j) \_\_\_\_\_  
 Scale not large enough to show mechanism without distortion when drawing is reduced in size to two-thirds in reproduction. Fig(s) \_\_\_\_\_

## 9. CHARACTER OF LINES, NUMBERS, &amp; LETTERS. 37 CFR 1.84(k)

- Numbers and reference characters not clearly defined, clean, durable, and black (poor line quality). Fig(s) \_\_\_\_\_

## 10. SHADING. 37 CFR 1.84(m)

- Solid black areas pale. Fig(s) \_\_\_\_\_  
 Solid black shading not permitted. Fig(s) \_\_\_\_\_  
 Shaded lines, pale, rough and blurred. Fig(s) \_\_\_\_\_

## 12. NUMBERS, LETTERS, &amp; REFERENCE CHARACTERS. 37 CFR 1.84(p)

- Numbers and reference characters not plain and legible. Fig(s) \_\_\_\_\_  
 Figure legends are poor. Fig(s) \_\_\_\_\_  
 Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1)  
 Fig(s) \_\_\_\_\_  
 English alphabet not used. 37 CFR 1.84(p)(2)  
 Fig(s) \_\_\_\_\_  
 Numbers, letters and reference characters must be at least .32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3)  
 Fig(s) \_\_\_\_\_

## 13. LEAD LINES. 37 CFR 1.84(q)

- Lead lines cross each other. Fig(s) \_\_\_\_\_  
 Lead lines missing. Fig(s) \_\_\_\_\_

## 14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(t)

- Sheets not numbered consecutively, and in Arabic numerals, beginning with number 1. Sheet(s) \_\_\_\_\_

## 15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

- Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) \_\_\_\_\_

## 16. CORRECTIONS. 37 CFR 1.84(v)

- Corrections not made from prior PTO-948 dated \_\_\_\_\_

## 17. DESIGN DRAWINGS. 37 CFR 1.152

- Surface shading shown not appropriate. Fig(s) \_\_\_\_\_  
 Solid black shading not used for color contrast. Fig(s) \_\_\_\_\_

## COMMENTS

REVIEWER: DATE 1-23-01 TELEPHONE NO. \_\_\_\_\_ATTACHMENT TO PAPER NO. 091-15-03

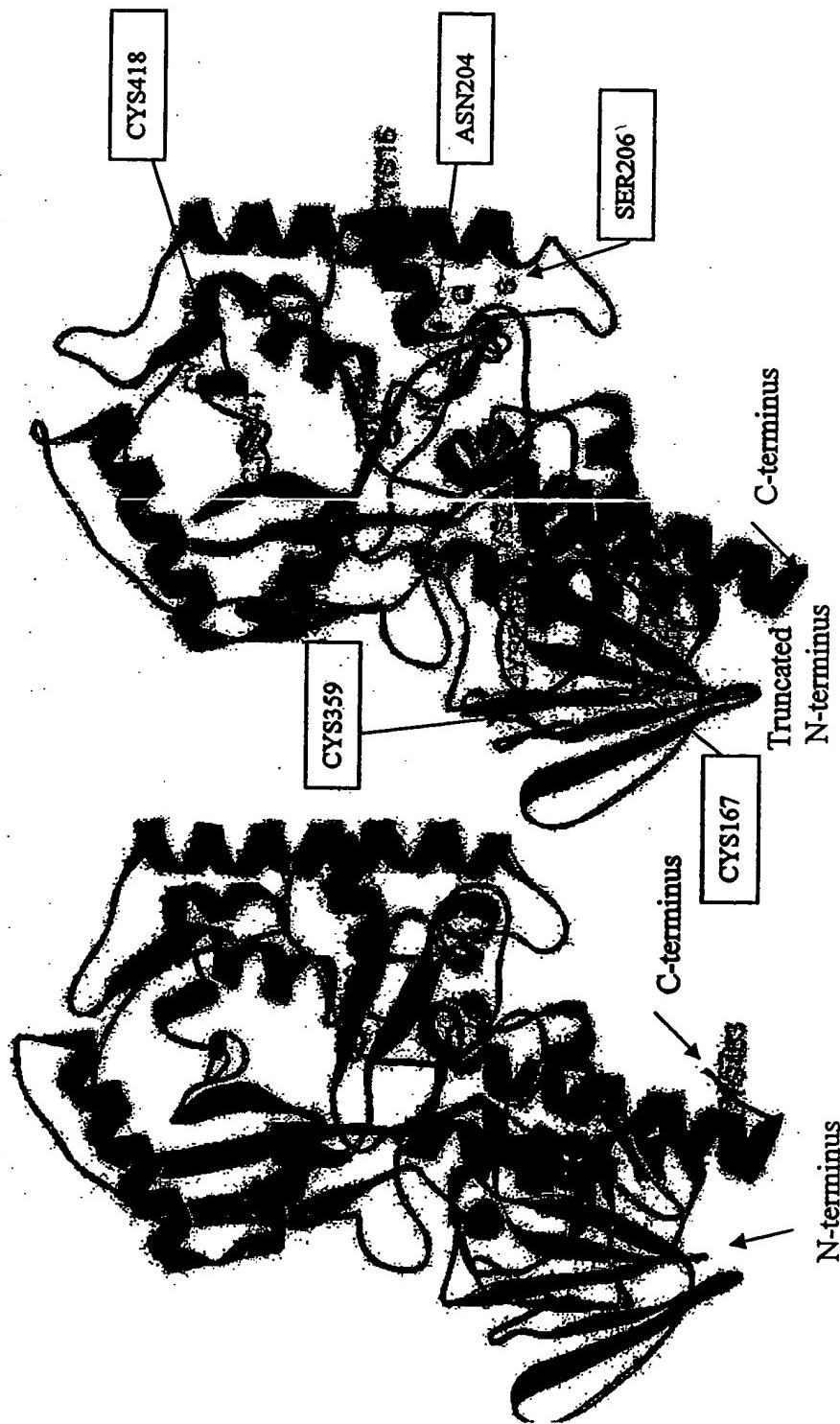


Figure 1A

Figure 1B

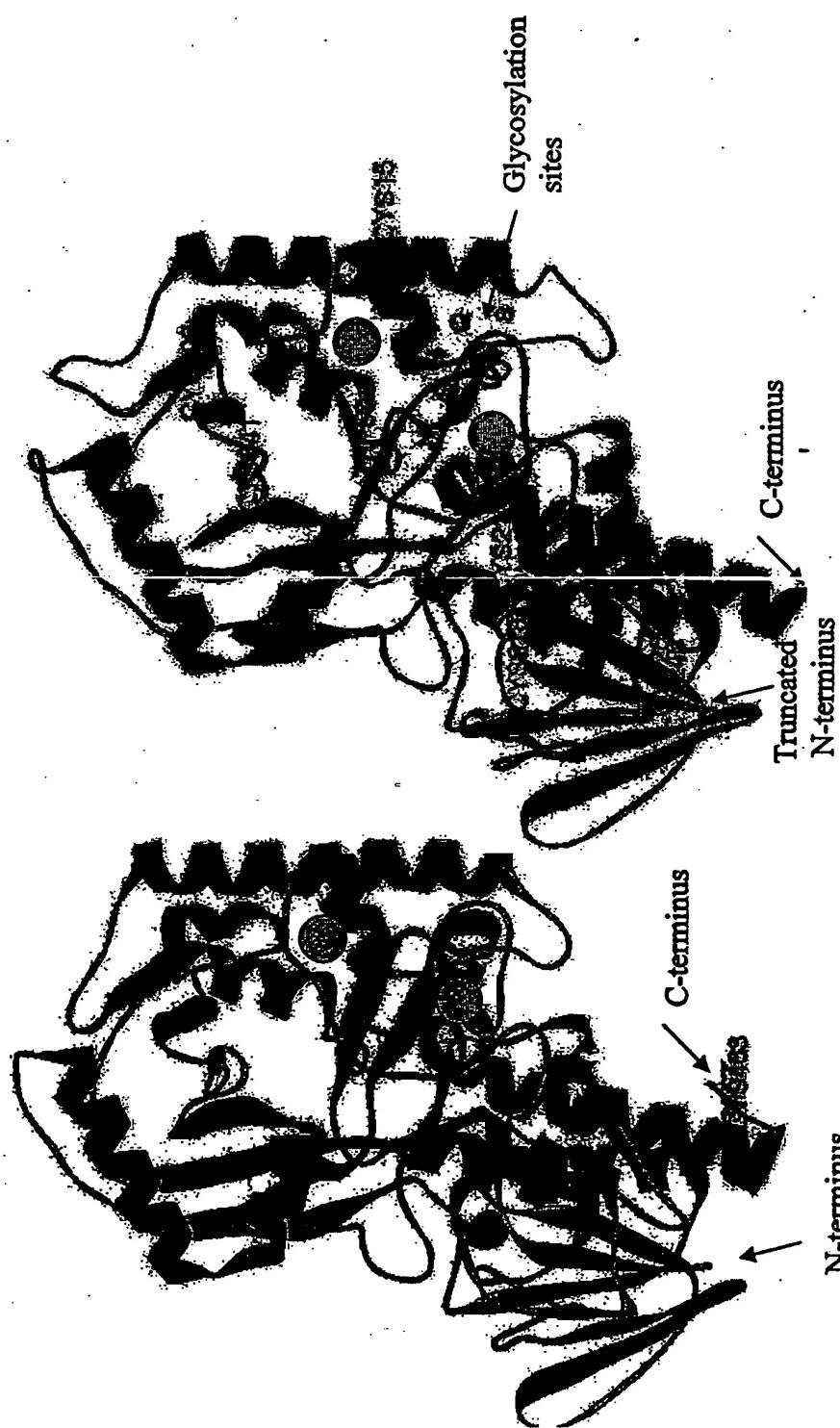


Figure 2A

Figure 2B

December 22, 2003 Attorney Docket No. P05573US2

INVENTOR: DUVICK, et al.

TITLE: AMINO POLYOL AMINE OXIDASE

POLYNUCLEOTIDES & RELATED

POLYPEPTIDES AND METHODS OF USE

US SERIAL: 09/659,835

FILED: September 8, 2000

Please acknowledge receipt:

Letter to Official Draftsperson (37 CFR 1.85) (2 pages)

2 Sheets Replacement Formal Drawings

Copy of Notice of Draftsperson's Patent Drawing Review

LATA/bja

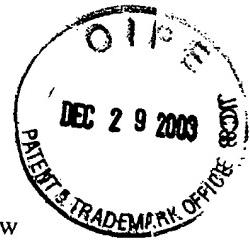
December 22, 2003 Attorney Docket No. P05573US2

INVENTOR: **DUVICK, et al.**  
TITLE: AMINO POLYOL AMINE OXIDASE  
POLYNUCLEOTIDES & RELATED  
POLYPEPTIDES AND METHODS OF USE  
US SERIAL: 09/659,835  
FILED: September 8, 2000

**Please acknowledge receipt:**

Letter to Official Draftsperson (37 CFR 1.85) (2 pages)  
2 Sheets Replacement Formal Drawings  
Copy of Notice of Draftperson's Patent Drawing Review

LATA/bja



**PART B - FEE(S) TRANSMITTAL**

Complete and send this form, together with applicable fee(s), to: Mail

**Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or Fax (703) 746-4000**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

27142 7590 10/03/2003

**MCKEE, VOORHEES & SEASE, P.L.C.**  
ATTN: PIONEER HI-BRED  
801 GRAND AVENUE, SUITE 3200  
DES MOINES, IA 50309-2721

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

**Certificate of Mailing or Transmission**  
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

JANE WAGNER	(Depositor's name)
<i>Jane Wagner</i>	
(Signature)	
01-02-04	
(Date)	

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,835	09/08/2000	Jonathan P. Duvick	1134R	2865

TITLE OF INVENTION: AMINO POLYOL AMINE OXIDASE POLYNUCLEOTIDES AND RELATED POLYPEPTIDES AND METHODS OF USE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$0	\$1330	01/05/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
IBRAHIM, MEDINA AHMED	1638	800-279000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

"Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

**MCKEE, VOORHEES & SEASE, P.L.C.  
801 Grand Ave., Suite 3200  
DES MOINES, IOWA 50309-2721**

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

PIONEER HI-BRED INTERNATIONAL, INC. JOHNSTON, IOWA

Please check the appropriate assignee category or categories (will not be printed on the patent):  individual  corporation or other private group entity  government

4a. The following fee(s) are enclosed:

Issue Fee

4b. Payment of Fee(s):

A check in the amount of the fee(s) is enclosed.

Publication Fee

Payment by credit card. Form PTO-2038 is attached.

Advance Order - # of Copies \_\_\_\_\_

The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number 26-0084 (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

01-02-04

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE(S)

Please type a plus sign (+) inside this box →

PTO/SB/122 (8-00)

Approved for use through 6/30/99. OMB 0651-0035  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>CHANGE OF CORRESPONDENCE ADDRESS</b>		<b>Application Number</b>	09/658,835
<i>Application</i>		<b>Filing Date</b>	09/08/2000
<b>Address to:</b> Assistant Commissioner for Patents Washington, D.C. 20231		<b>First Named Inventor</b>	DUVICK
		<b>Group Art Unit</b>	1638
		<b>Examiner Name</b>	IBRAHIM, MEDINA AHMED
		<b>Attorney Docket Number</b>	1134R

Please change the Correspondence Address for the above-identified application

to:

Customer Number



Place Customer Number Bar Code Label here

OR

Type Customer Number here

<b>Firm or Individual Name</b>	PIONEER HI-BRED INTERNATIONAL, INC.			
<b>Address</b>	7100 NW 62ND AVE DARWIN BLDG			
<b>Address</b>	PO BOX 1000			
<b>City</b>	JOHNSTON	<b>State</b>	IA	<b>ZIP</b> 50131
<b>Country</b>	UNITED STATES			
<b>Telephone</b>	515-248-4888	<b>Fax</b>	515-334-6883	

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the :

Applicant

Assignee of record of the entire interest  
Certificate under 37 CFR 3.73(b) is enclosed.

Attorney or agent of record.

<b>Typed or Printed Name</b>	LILA A. AKRAD
<b>Signature</b>	
<b>Date</b>	1-2-04

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

CHECK NO. 68847 IN THE AMOUNT OF \$1,330.00 RECEIVED. DUVICK SERIAL NO. 09/658,835 ON AMINO POLYOL AMINE OXIDASE POLYNUCLEOTIDES AND RELATED POLYPEPTIDES AND METHODS OF USE - ISSUE FEE, INCLUDING CERTIFICATE OF MAILING DATED 1-2-04.

JW



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,835	09/08/2000	Jonathan P. Duvick	1134R	2865

7590 08/04/2004

PIONEER HI-BRED INTERNATIONAL, INC.  
7100 NW 62ND AVE DARWIN BLDG  
PO BOX 1000  
JOHNSTON, IA 50131

EXAMINER

IBRAHIM, MEDINA AHMED

ART UNIT	PAPER NUMBER
	1638

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09658835			EXAMINER
			ART UNIT
			PAPER NUMBER

DATE MAILED:

## NOTICE OF ABANDONMENT

This application is abandoned in view of:

- Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
- A reply (with Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_ which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- A reply was received on \_\_\_\_\_, but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- No reply has been received.
- Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)(or Notice of Publication Fee Due).
- The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required, by 37 CFR 1.18(d) is \$\_\_\_\_\_.
- The issue fee and publication fee, if applicable, have not been received.
- Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
- No corrected drawings have been received.
- The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- The reason(s) below:  
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



## Attachment to Notice of Abandonment

For questions concerning the notice contact  
Office of Patent Publication  
Image Assistance Center: 888-786-0101.

Information is also available on the USPTO Internet web site:  
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

Respond to the Notice of Abandonment by one of the following:

1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as prima facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment

**PIONEER HI-BRED INTERNATIONAL, INC.  
CORPORATE INTELLECTUAL PROPERTY DEPARTMENT**

**FAX TRANSMISSION**

---

7100 N.W. 62<sup>nd</sup> Avenue  
P.O. Box 1000  
Johnston, Iowa 50131-1000

Phone: (515) 253-2162  
Fax: (515) 334-6883

---

TO: Michelle Woods  
FROM: Claire Moxon  
RE: Our Docket No. 1134R – Serial No. 09/658,835  
DATE: 8-9-04 FAX NUMBER: 515-288-1338

NUMBER OF PAGE(S) FOLLOWING THIS SHEET: 3

---

**COMMENTS:**

**Attached is the Abandonment Notice we spoke about this morning.**

The contents of this facsimile are or may be attorney privileged and/or confidential and are intended only for the use of the recipient identified above. If the reader of this message is not the identified recipient, or the employee or agent responsible for delivering it to the identified recipient, you are hereby notified that any dissemination or use of this communication is unlawful and strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone and return the original message to the sender at the above address via the U.S. Postal Service. Anyone so cooperating will be reimbursed for the reasonable expense incurred.

If there is a problem with transmission or illegible pages, please contact the sender or (515) 334-6845.

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : DUVICK et al.  
SERIAL NO : 09/659,835  
FILED : September 8, 2000  
TITLE : AMINO POLYOL AMINE OXIDASE POLYNUCLEOTIDES AND  
RELATED POLYPEPTIDES AND METHODS OF USE

Grp./A.U. : 1638  
Examiner : IBRAHIM, Medina Ahmed  
Conf. No. : 2865  
Docket No. : P05573US02 PHI 1134R

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION FOR WITHDRAWAL OF ABANDONMENT – PTO HAS NO  
EVIDENCE THAT MAILED CORRESPONDENCE RECEIVED (37 C.F.R. § 1.8(b))**

**REQUEST**

Pursuant to 37 C.F.R. § 1.8(b), Applicants request that the abandonment in this case be withdrawn.

**PROMPTNESS OF THIS SUBMISSION**

This information is being submitted promptly after Applicants have learned of the abandonment on the basis of:

=====

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**FACSIMILE**

transmitted by facsimile to the Patent and Trademark Office, Art Unit 1638 at Fax No. (703) 872-\_\_\_\_\_.

Date: 8/19/2004

  
LILA A. T. AKRAD

- the Notice of Abandonment mailed by the PTO on August 4, 2004.
- Applicants' own procedures in monitoring the progress of this case.

## SUBMISSION

Submitted herewith is:

- A copy of the page of the response mailed on December 22, 2003, showing a Certificate of Mailing executed on December 22, 2003.
- A copy of the post card identifying the papers filed and showing the U.S. PTO receipt stamp dated December 29, 2003.
- A copy of the complete response previously filed.
- A copy of the cancelled check(s) referring to the response identified above.
- A copy of the attorney's Deposit Account Statement, in which the item corresponding to the response referred to above is noted.

## STATEMENT

In response to the Notice of Abandonment dated August 4, 2004, please consider the following remarks and withdraw the holding of abandonment.

The Applicants properly replied to Notice of Draftsperson's Patent Drawing Review dated September 25, 2003 on December 22, 2003. The Applicants submitted replacement formal drawings by First Class Mail and included a Return Postcard which was postmarked by the Patent Office December 29, 2003. A copy of the returned postcard is attached.

The Applicants received the Notice of Abandonment on August 9, 2004. The Applicants then promptly filed this Petition.

The Applicants supply an additional copy of the previously mailed Letter to Official Draftsperson and Certificate, and replacement drawing sheets. In addition, I, the undersigned attorney as the signing attorney and Certificate of Mailing signatory, have personal knowledge

that the previous submission was timely mailed. Thus, the Applicants respectfully request that the holding of Abandonment be withdrawn on the basis that corrected drawings were timely mailed.

**REQUEST FOR WITHDRAWAL OF ABANDONMENT**

Acknowledgement of the active status of this application is respectfully requested.

Respectfully submitted,



LILA A. T. AKRAD, Reg. No. 52,550  
McKEE, VOORHEES & SEASE, P.L.C.  
801 Grand Avenue, Suite 3200  
Des Moines, Iowa 50309-2721  
Phone No: (515) 288-3667  
Fax No: (515) 288-1338  
**CUSTOMER NO: 27142**

Attorneys of Record

- pw -

**RECEIVED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor: DUVICK et al.

Serial No. 09/659,835

Filed September 8, 2000

Title: AMINO POLYOL AMINE OXIDASE POLYNUCLEOTIDES AND RELATED  
POLYPEPTIDES AND METHODS OF USE

Receipt is hereby acknowledged of the accompanying:

- Information for Withdrawal of Abandonment - PTO Has No Evidence That Mailed Correspondence Received (37 C.F.R. § 1.8(b))
- Copy of page of response mailed December 22, 2003 showing Certificate of Mailing executed December 22, 2003
- Copy of postcard identifying papers filed and showing U.S. PTO receipt stamp dated December 29, 2003
- Copy of complete response previously filed

This document and the documents referred to as enclosed therein are being deposited with the U.S. Postal Service in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, prior to 5:00 p.m. on the 19 day of August, 2004.

P05573US02

PHI 1134R

P020-847

LATA/pw

December 22, 2003 Attorney Docket No. P05573US2

INVENTOR: DUVICK, et al.  
TITLE: AMINO POLYOL AMINE OXIDASE  
POLYNUCLEOTIDES & RELATED  
POLYPEPTIDES AND METHODS OF USE  
US SERIAL: 09/659,835  
FILED: September 8, 2000

Please acknowledge receipt:

Letter to Official Draftsperson (37 CFR 1.85) (2 pages)  
2 Sheets Replacement Formal Drawings  
Copy of Notice of Draftperson's Patent Drawing Review

LATA/bja



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : DUVICK, et al.  
SERIAL NO : 09/659,835  
FILED : September 8, 2000  
TITLE : AMINO POLYOL AMINE OXIDASE POLYNUCLEOTIDES AND  
RELATED POLYPEPTIDES AND METHODS OF USE

Grp./A.U. : 1638  
Examiner : IBRAHIM, Medina Ahmed  
Conf. No. : 2865  
Docket No. : P05573US2 PHI 1134R

**LETTER TO OFFICIAL DRAFTSPERSON**  
**(37 C.F.R. § 1.85)**

**Mail Stop Issue Fee**  
**Attn: Official Draftsperson**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Allowability mailed October 3, 2003, please amend the above-identified application as follows:

Applicants respectfully submit that the drawings have now been amended to be in compliance with 37 C.F.R. § 1.84. Please substitute the new drawing sheets 1 and 2 containing Figures 1A-1B (sheet 1) and 2A-2B (sheet 2) for the drawing sheets presently of record. No new matter has been added.

---

---

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

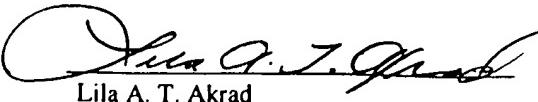
**MAILING**

deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Mail Stop ISSUE FEE, Alexandria, VA 22313-1450.

Date: 12/22/2003

**FACSIMILE**

transmitted by facsimile to the Patent and Trademark Office, Art Unit 1638 at Fax No. (703) 872-\_\_\_\_\_.



Lila A. T. Akad

## REMARKS

These drawing sheets include the corrections as required in the Notice of Draftperson's Patent Drawing Review enclosed herewith, dated September 25, 2003 in the above application. Please submit these new formal drawings in the place of the drawings presently of record.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



LILA A. T. AKRAD, Reg. No. 52,550  
McKEE, VOORHEES & SEASE, P.L.C.  
801 Grand Avenue, Suite 3200  
Des Moines, Iowa 50309-2721  
Phone No: (515) 288-3667  
Fax No: (515) 288-1338  
**CUSTOMER NO: 27142**

Attorneys of Record

- bja/LATA -

01/658835

**NOTICE OF DRAFTSPERSON'S  
PATENT DRAWING REVIEW**

The drawing(s) filed (insert date) 9-8-00 are:

- A. ~~Approved by the Draftsperson under 37 CFR 1.84 or 1.152.~~  
 B. ~~Objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. The Examiner will require submission of new, corrected drawings where necessary. Corrected drawing must be submitted according to the instructions on the back of this notice.~~

**1. DRAWINGS.** 37 CFR 1.84(a): Acceptable categories of drawings:

- Black ink. Color.
- Color drawings are not acceptable until petition is granted. Fig(s) \_\_\_\_\_

Yield for Black but not black ink not permitted. Fig(s) \_\_\_\_\_

**2. PHOTOGRAPHS.** 37 CFR 1.84(b)

- Full-size set is required. Fig(s) \_\_\_\_\_
- Photographs may not be mounted. 37 CFR 1.84(c)
- Door paper (ballistol). Fig(s) \_\_\_\_\_

**3. TYPE OF PAPER.** 37 CFR 1.84(c)

- Paper not flexible, strong, white, and durable. Fig(s) \_\_\_\_\_
- Erasers, alterations, overwritings, interlineations, folds, copy machine marks not accepted. Fig(s) \_\_\_\_\_
- Mylar, velum paper is not acceptable (too thin). Fig(s) \_\_\_\_\_

**4. SIZE OF PAPER.** 37 CFR 1.84(f): Acceptable sizes:

- 21.0 cm by 29.7 cm (A4 size). Fig(s) \_\_\_\_\_
- 21.6 cm by 27.9 cm (8 1/2 x 11 inches)
- All drawing sheets not the same size.

Drawing sheets not the same size. Fig(s) \_\_\_\_\_

**5. MARGINS.** 37 CFR 1.84(g): Acceptable margins:

- Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm  
SIZE: A4 Size
- Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm  
SIZE: 8 1/2 x 11

Margins not acceptable. Fig(s) \_\_\_\_\_

- Top (T) \_\_\_\_\_ Left (L) \_\_\_\_\_
- Right (R) \_\_\_\_\_ Bottom (B) \_\_\_\_\_

**6. VIEWS.** 37 CFR 1.84(h)

**REMINDER:** Specification may require revision to correspond to drawing changes.

Partial views. 37 CFR 1.84(h)(2)

- Brackets needed to show figure as one entity. Fig(s) \_\_\_\_\_
- Views not labeled separately or properly. Fig(s) \_\_\_\_\_
- Enlarged view not labeled separately or properly. Fig(s) \_\_\_\_\_

**7. SECTIONAL VIEWS.** 37 CFR 1.84(h)(3)

- Hatching not indicated for sectional portions of an object. Fig(s) \_\_\_\_\_
- Sectional designation should be noted with Arabic or Roman numerals. Fig(s) \_\_\_\_\_

**8. ARRANGEMENT OF VIEWS.** 37 CFR 1.84(d)

- Words do not appear in horizontal, left-to-right fashion across page. Is either upright or turned so that the top becomes the right side. Except for patent, Fig(s) \_\_\_\_\_

**9. SCALE.** 37 CFR 1.84(f)(1)

- Scale not large enough to show maximum without crowding when drawing is reduced in size to two-thirds its original size. Fig(s) \_\_\_\_\_

**10. CHARACTER OF LINES, NUMBERS, & LETTERS.** 37 CFR 1.84(f)

- Lines, numbers & letters not uniformly thick and well defined, clear, distinct, and black (poor line quality). Fig(s) \_\_\_\_\_

**11. SHADING.** 37 CFR 1.84(m)

- Solid black area pale. Fig(s) \_\_\_\_\_
- Solid black shading not permitted. Fig(s) \_\_\_\_\_
- Shade lines, pale, rough and blurred. Fig(s) \_\_\_\_\_

**12. NUMBERS, LETTERS, & REFERENCE CHARACTERS.** 37 CFR 1.84(p)

- Numbers and reference characters not plain and legible. Fig(s) \_\_\_\_\_
- Figure legends are poor. Fig(s) \_\_\_\_\_
- Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1)
- Fig(s) \_\_\_\_\_
- English alphabet not used. 37 CFR 1.84(p)(2)
- Figs. \_\_\_\_\_
- Numbers, letters and reference characters must be at least .32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3)
- Fig(s) \_\_\_\_\_

**13. LEAD LINES.** 37 CFR 1.84(t)

- Lead lines cross each other. Fig(s) \_\_\_\_\_
- Lead lines missing. Fig(s) \_\_\_\_\_

**14. NUMBERING OF SHEETS OF DRAWINGS.** 37 CFR 1.84(l)

- Sheets not numbered consecutively, and in Arabic numerals beginning with number 1. Fig(s) \_\_\_\_\_

**15. NUMBER OF VIEWS.** 37 CFR 1.84(r)

- Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) \_\_\_\_\_

**16. CORRECTIONS.** 37 CFR 1.84(w)

- Corrections not made from prior PTO-448 dated \_\_\_\_\_

**17. DESIGN DRAWINGS.** 37 CFR 1.152

- Surface shading shown not appropriate. Fig(s) \_\_\_\_\_
- Solid black shading not used for color contrast. Fig(s) \_\_\_\_\_

## **COMMENTS**

## REVIEWERS

DATE 1-15-02 TELEPHONE NO.

ATTACHMENT TO PAPER NO. 091-15-03

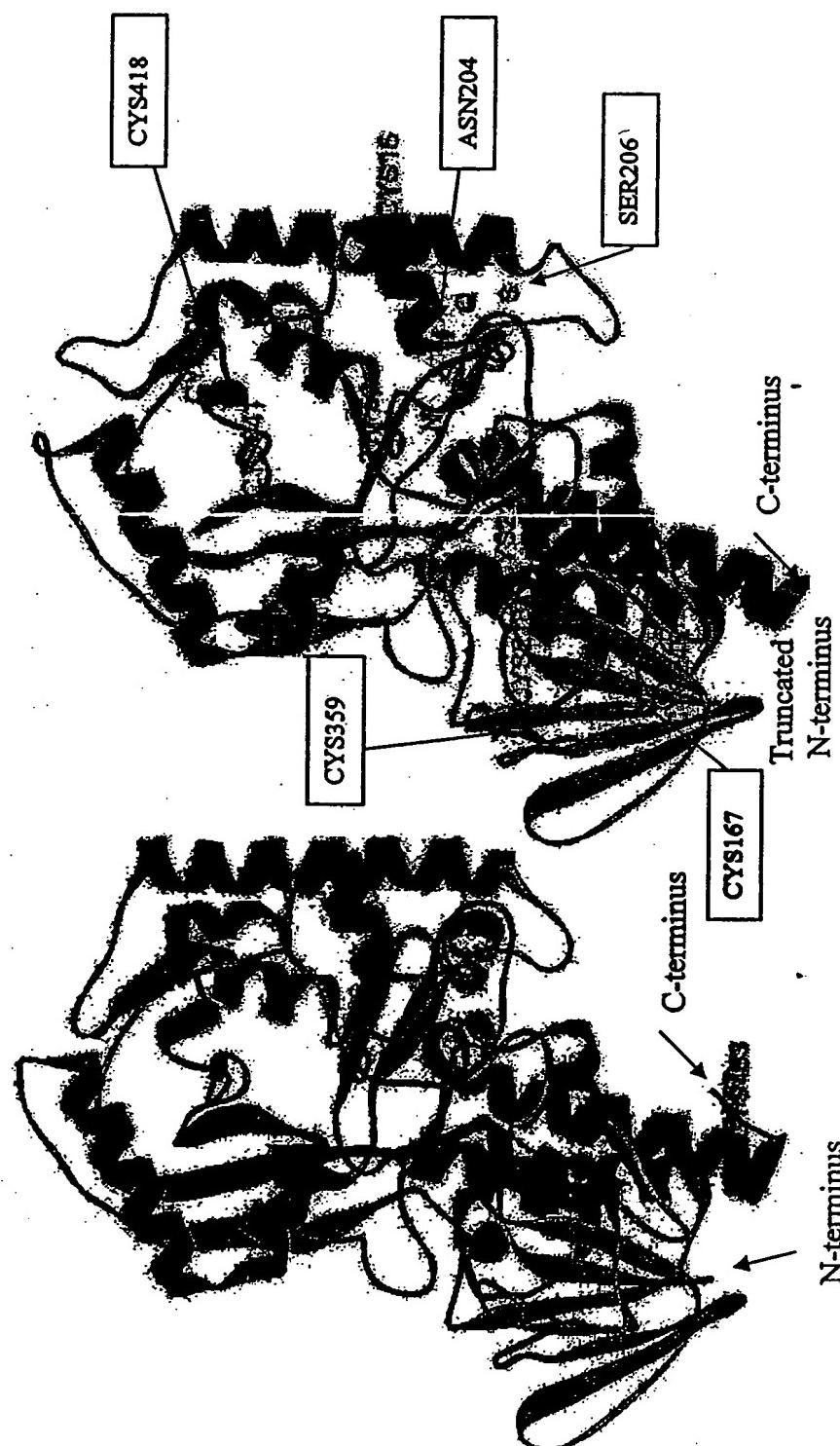


Figure 1A

Figure 1B

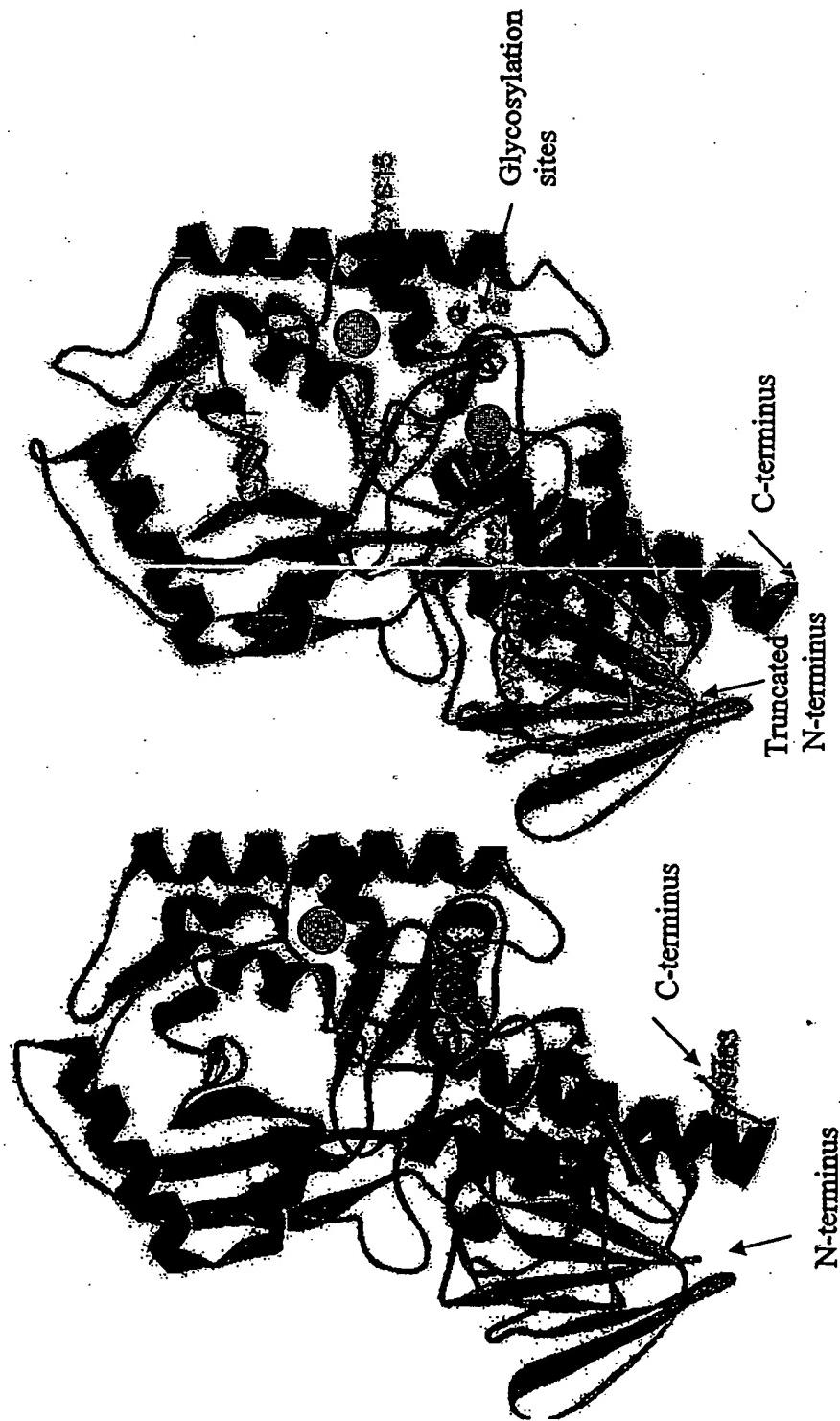


Figure 2A

Figure 2B

December 22, 2003 Attorney Docket No. P05573US2

INVENTOR: DUVICK, et al.  
TITLE: AMINO POLYOL AMINE OXIDASE  
POLYNUCLEOTIDES & RELATED  
POLYPEPTIDES AND METHODS OF USE  
US SERIAL: 09/659,835  
FILED: September 8, 2000

Please acknowledge receipt:

Letter to Official Draftsperson (37 CFR 1.85) (2 pages)  
2 Sheets Replacement Formal Drawings  
Copy of Notice of Draftsperson's Patent Drawing Review

LATA/bja

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	4277
CONNECTION TEL	17037468188
SUBADDRESS	
CONNECTION ID	
ST. TIME	02/04 10:52
USAGE T	03 '28
PGS.	13
RESULT	OK

MCKEE, VOORHEES & SEASE, PLC  
MCKEE, VOORHEES & SEASE, PLC

ATTORNEYS AT LAW

801 GRAND AVENUE • SUITE 3200 • DES MOINES, IA 50309-2721  
PHONE: 515-288-3667 • FAX: 515-288-1338 • [www.ipmvs.com](http://www.ipmvs.com)

DATE: February 4, 2005

TO: Darlene Lyon  
PUBLICATIONS

COMPANY: USPTO

PHONE: 703-308-6789

FAX: 703-746-8188

FROM: Patt Wilson on behalf of LILA A. T. AKRAD

NUMBER OF PAGES (Including cover): 13

---

Per your request, please find the attached drawings, postcard and Letter to Official Draftsperson originally mailed December 22, 2003, as well as our follow-up communication mailed August 19, 2004:

APPLICANT : DUVICK et al.  
SERIAL NO : 09/659,835  
FILED : September 8, 2000  
TITLE : AMINO POLYOL AMINE OXIDASE  
POLYNUCLEOTIDES AND RELATED  
POLYPEPTIDES AND METHODS OF USE

**MCKEE, VOORHEES & SEASE, PLC.**  
**MCKEE, VOORHEES & SEASE**

ATTORNEYS AT LAW

801 GRAND AVENUE • SUITE 3200 • DES MOINES, IA 50309-2721  
PHONE: 515-288-3667 • FAX: 515-288-1338 • [www.ipmvs.com](http://www.ipmvs.com)

DATE: February 4, 2005

TO: Darlene Lyon  
PUBLICATIONS

COMPANY: USPTO

PHONE: 703-308-6789

FAX: **703-746-8188**

FROM: **Patt Wilson on behalf of LILA A. T. AKRAD**

NUMBER OF PAGES (Including cover): 13

---

Per your request, please find the attached drawings, postcard and Letter to Official Draftsperson originally mailed December 22, 2003, as well as our follow-up communication mailed August 19, 2004:

APPLICANT : DUVICK et al.  
SERIAL NO : 09/659,835  
FILED : September 8, 2000  
TITLE : AMINO POLYOL AMINE OXIDASE  
POLYNUCLEOTIDES AND RELATED  
POLYPEPTIDES AND METHODS OF USE

Grp./A.U. : 1638  
Examiner : IBRAHIM, Medina Ahmed  
Conf. No. : 2865  
Docket No. : P05573US02 PHI 1134R

THE DOCUMENTS ACCOMPANYING THIS FACSIMILE TRANSMITTAL COVER SHEET CONTAIN INFORMATION FROM THE LAW FIRM OF MCKEE, VOORHEES & SEASE WHICH MAY BE CONFIDENTIAL AND/OR LEGALLY PRIVILEGED. THE DOCUMENTS ARE INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE ADDRESSEE IDENTIFIED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING THESE DOCUMENTS TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY REVIEW, DISCLOSURE, COPYING, DISTRIBUTION OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS TRANSMITTED INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY THIS FIRM SO THAT WE CAN ARRANGE FOR THE RETURN OF THE ORIGINAL DOCUMENTS TO US. THANK YOU.

December 22, 2003 Attorney Docket No. P05573US2

INVENTOR: DUVICK, et al.

TITLE: AMINO POLYOL AMINE OXIDASE  
POLYNUCLEOTIDES & RELATED  
POLYPEPTIDES AND METHODS OF USE

US SERIAL: 09/659,835

FILED: September 8, 2000

Please acknowledge receipt:

Letter to Official Draftsperson (37 CFR 1.85) (2 pages)  
2 Sheets Replacement Formal Drawings  
Copy of Notice of Draftperson's Patent Drawing Review

LATA/bja



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : DUVICK, et al.  
SERIAL NO : 09/659,835  
FILED : September 8, 2000  
TITLE : AMINO POLYOL AMINE OXIDASE POLYNUCLEOTIDES AND RELATED POLYPEPTIDES AND METHODS OF USE

Grp./A.U. : 1638  
Examiner : IBRAHIM, Medina Ahmed  
Conf. No. : 2865  
Docket No. : P05573US2 PHI 1134R

LETTER TO OFFICIAL DRAFTSPERSON  
(37 C.F.R. § 1.85)

Mail Stop Issue Fee  
Attn: Official Draftsperson  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Allowability mailed October 3, 2003, please amend the above-identified application as follows:

Applicants respectfully submit that the drawings have now been amended to be in compliance with 37 C.F.R. § 1.84. Please substitute the new drawing sheets 1 and 2 containing Figures 1A-1B (sheet 1) and 2A-2B (sheet 2) for the drawing sheets presently of record. No new matter has been added.

---

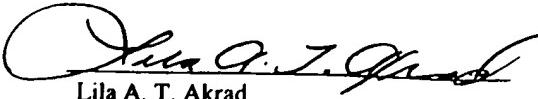
CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING  
 deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Mail Stop ISSUE FEE, Alexandria, VA 22313-1450.

Date: 12/22/2003

FACSIMILE  
 transmitted by facsimile to the Patent and Trademark Office, Art Unit 1638 at Fax No. (703) 872-\_\_\_\_\_.

  
Lila A. T. Akrad

## REMARKS

These drawing sheets include the corrections as required in the Notice of Draftperson's Patent Drawing Review enclosed herewith, dated September 25, 2003 in the above application. Please submit these new formal drawings in the place of the drawings presently of record.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



LILA A. T. AKRAD, Reg. No. 52,550  
McKEE, VOORHEES & SEASE, P.L.C.  
801 Grand Avenue, Suite 3200  
Des Moines, Iowa 50309-2721  
Phone No: (515) 288-3667  
Fax No: (515) 288-1338  
CUSTOMER NO: 27142

Attorneys of Record

- bja/LATA -

## NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 9-8-02 etc:

- A.  approved by the Draftsperson under 37 CFR 1.84 or 1.152.  
 B.  objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. The Examiner will require submission of new, corrected drawings when necessary. Corrected drawing must be submitted according to the instructions on the back of this notice.

### 1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings:

- Black ink. Color. \_\_\_\_\_  
 Color drawings are not acceptable until patent is granted. Fig(s) \_\_\_\_\_

- Hand-drawn and not black ink not permitted. Fig(s) \_\_\_\_\_

2. PHOTOGRAPHS. 37 CFR 1.84(d)  
 A full-size or full-page. Fig(s) \_\_\_\_\_  
 Photographs may not be mounted. 37 CFR 1.84(c)

3. TYPE OF PAPER. 37 CFR 1.84(c)  
 Paper not flexible, strong, white, and durable. Fig(s) \_\_\_\_\_

4. ERASURES, ALTERATIONS, OVERWITTINGS, INTELLIGIBILITIES, FOLDS, COPY MACHINE MARKS NOT ACCEPTED. Fig(s) \_\_\_\_\_  
 Mylar, velum paper is not acceptable (too thin). Fig(s) \_\_\_\_\_

5. SIZE OF PAPER. 37 CFR 1.84(d): Acceptable sizes:  
 21.0 cm by 29.7 cm (A4 size).  
 21.6 cm by 27.9 cm (8 1/2 x 11 inches)

6. All drawing sheets not the same size.  
 Drawing sheets not acceptable size. Fig(s) \_\_\_\_\_

7. MARGINS. 37 CFR 1.84(g): Acceptable margins:  
 Top 2.5 cm Left 2.5cm Right 1.5 cm Bottom 1.0 cm  
 SIZE: A4 Size  
 Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm  
 SIZE: 8 1/2 x 11

- Margins not acceptable. Fig(s) \_\_\_\_\_  
 Top (T) \_\_\_\_\_ Left (L) \_\_\_\_\_  
 Right (R) \_\_\_\_\_ Bottom (B) \_\_\_\_\_

8. VIEWS. 37 CFR 1.84(n):  
 REMINDER: Specification may require revision to correspond to drawing changes.  
 Partial views. 37 CFR 1.84(h)(2)

- Brackets needed to show figure as one entity.  
 Fig(s) \_\_\_\_\_  
 Views not labeled separately or properly.  
 Fig(s) \_\_\_\_\_

- Enlarged view not labeled separately or properly.  
 Fig(s) \_\_\_\_\_

9. SECTIONAL VIEWS. 37 CFR 1.84(h)(3)  
 Hatching not indicated for sectional portions of an object.  
 Fig(s) \_\_\_\_\_

- Sectional designation should be noted with Arabic or Roman numbers. Fig(s) \_\_\_\_\_

### 8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

- Words do not appear on a horizontal, left-to-right fashion across page in either upright or inverted so that the top represents the right side, except for front view.

10. SCALE, POSITION, AND DIRECTION OF DRAWINGS. 37 CFR 1.84(j):  
 Scale and large enough to show mechanism without reducing when drawing is reduced in size to two-thirds its reproduction.

11. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(k):  
 Lines, numbers, & letters not uniformly black and well defined, clear, durable, and black (poor line quality). Fig(s) \_\_\_\_\_

12. SHADING. 37 CFR 1.84(m):  
 Solid black areas pale. Fig(s) \_\_\_\_\_  
 Solid black shading not permitted. Fig(s) \_\_\_\_\_  
 Shaded lines, pale, rough and blurred. Fig(s) \_\_\_\_\_

13. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.84(p):  
 Numbers and reference characters not placed too close together. Fig(s) \_\_\_\_\_  
 Figures legends are poor. Fig(s) \_\_\_\_\_

14. LEAD LINES. 37 CFR 1.84(q):  
 Lead lines cross each other. Fig(s) \_\_\_\_\_  
 Lead lines missing. Fig(s) \_\_\_\_\_

15. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(r):  
 Sheets not numbered consecutively, and in Arabic numerals beginning with number 1. Fig(s) \_\_\_\_\_

16. NUMBERING OF VIEWS. 37 CFR 1.84(s):  
 Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) \_\_\_\_\_

17. CORRECTIONS. 37 CFR 1.84(v):  
 Corrections not made from prior PTO-948 dated \_\_\_\_\_

18. DESIGN DRAWINGS. 37 CFR 1.152:  
 Surface shading shown not appropriate. Fig(s) \_\_\_\_\_  
 Solid black shading not used for color contrast. Fig(s) \_\_\_\_\_

### COMMENTS

REVIEWER: 

DATE 1-17-02 TELEPHONE NO. \_\_\_\_\_

ATTACHMENT TO PAPER NO. 091-15-03

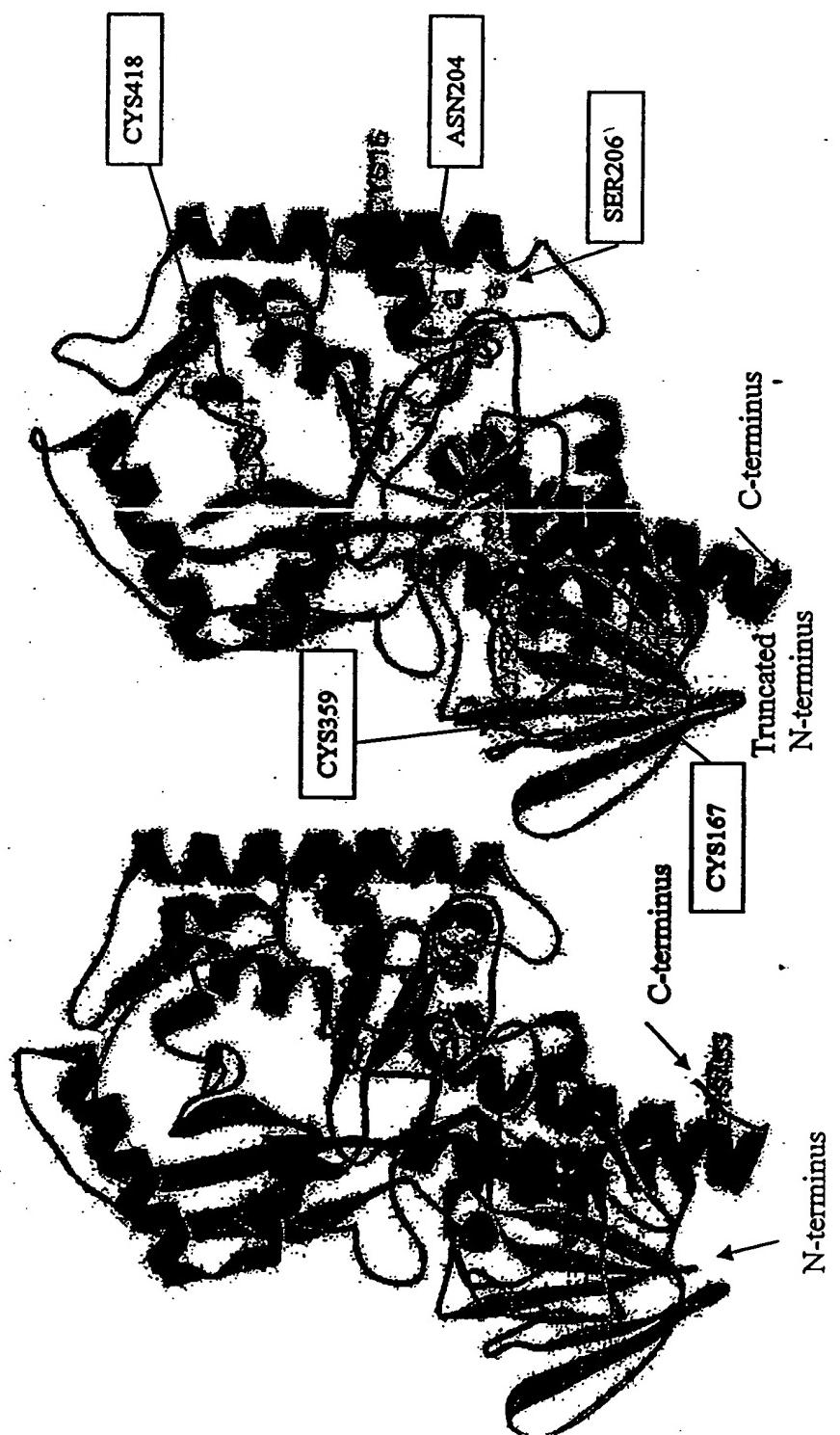


Figure 1A

Figure 1B

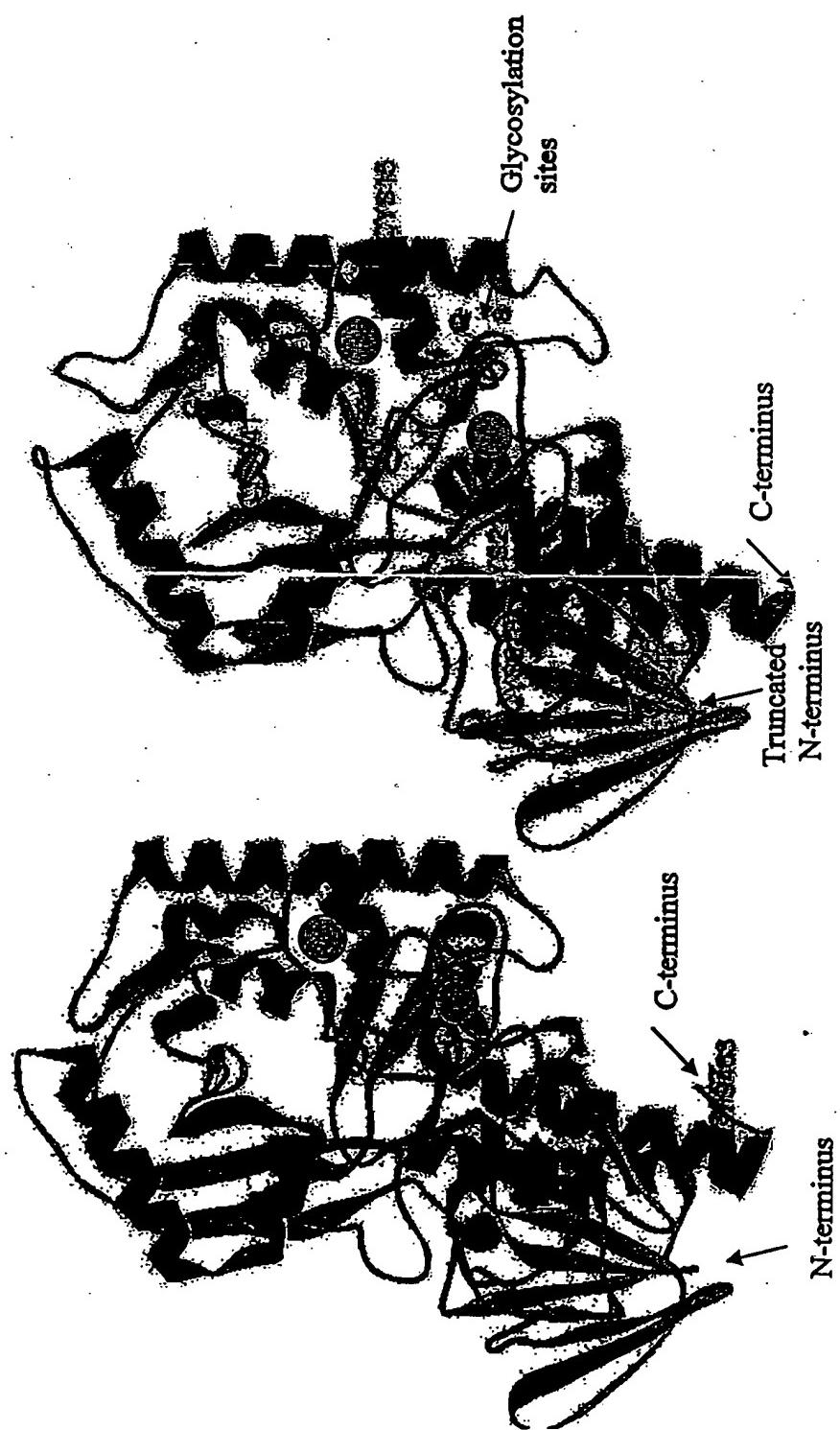


Figure 2A

Figure 2B

December 22, 2003 Attorney Docket No. P05573US2

INVENTOR: DUVICK, et al.

TITLE: AMINO POLYOL AMINE OXIDASE  
POLYNUCLEOTIDES & RELATED  
POLYPEPTIDES AND METHODS OF USE

US SERIAL: 09/659,835

FILED: September 8, 2000

Please acknowledge receipt:

Letter to Official Draftsperson (37 CFR 1.85) (2 pages)

2 Sheets Replacement Formal Drawings

Copy of Notice of Draftperson's Patent Drawing Review

LATA/bja

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : DUVICK et al.  
SERIAL NO : 09/659,835  
FILED : September 8, 2000  
TITLE : AMINO POLYOL AMINE OXIDASE POLYNUCLEOTIDES AND  
RELATED POLYPEPTIDES AND METHODS OF USE

Grp./A.U. : 1638  
Examiner : IBRAHIM, Medina Ahmed  
Conf. No. : 2865  
Docket No. : P05573US02 PHI 1134R

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION FOR WITHDRAWAL OF ABANDONMENT – PTO HAS NO  
EVIDENCE THAT MAILED CORRESPONDENCE RECEIVED (37 C.F.R. § 1.8(b))**

**REQUEST**

Pursuant to 37 C.F.R. § 1.8(b), Applicants request that the abandonment in this case be withdrawn.

**PROMPTNESS OF THIS SUBMISSION**

This information is being submitted promptly after Applicants have learned of the abandonment on the basis of:

=====

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**FACSIMILE**

transmitted by facsimile to the Patent and Trademark Office, Art Unit 1638 at Fax No. (703) 872-\_\_\_\_\_.

Date: 8/19/2004

  
LILA A. T. AKRAD

the Notice of Abandonment mailed by the PTO on August 4, 2004.

Applicants' own procedures in monitoring the progress of this case.

## SUBMISSION

Submitted herewith is:

- A copy of the page of the response mailed on December 22, 2003, showing a Certificate of Mailing executed on December 22, 2003.
- A copy of the post card identifying the papers filed and showing the U.S. PTO receipt stamp dated December 29, 2003.
- A copy of the complete response previously filed.
- A copy of the cancelled check(s) referring to the response identified above.
- A copy of the attorney's Deposit Account Statement, in which the item corresponding to the response referred to above is noted.

## STATEMENT

In response to the Notice of Abandonment dated August 4, 2004, please consider the following remarks and withdraw the holding of abandonment.

The Applicants properly replied to Notice of Draftsperson's Patent Drawing Review dated September 25, 2003 on December 22, 2003. The Applicants submitted replacement formal drawings by First Class Mail and included a Return Postcard which was postmarked by the Patent Office December 29, 2003. A copy of the returned postcard is attached.

The Applicants received the Notice of Abandonment on August 9, 2004. The Applicants then promptly filed this Petition.

The Applicants supply an additional copy of the previously mailed Letter to Official Draftsperson and Certificate, and replacement drawing sheets. In addition, I, the undersigned attorney as the signing attorney and Certificate of Mailing signatory, have personal knowledge

that the previous submission was timely mailed. Thus, the Applicants respectfully request that the holding of Abandonment be withdrawn on the basis that corrected drawings were timely mailed.

**REQUEST FOR WITHDRAWAL OF ABANDONMENT**

Acknowledgement of the active status of this application is respectfully requested.

Respectfully submitted,



LILA A. T. AKRAD, Reg. No. 52,550  
McKEE, VOORHEES & SEASE, P.L.C.  
801 Grand Avenue, Suite 3200  
Des Moines, Iowa 50309-2721  
Phone No: (515) 288-3667  
Fax No: (515) 288-1338  
**CUSTOMER NO: 27142**

Attorneys of Record

- pw -

**RECEIVED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor: DUVICK et al.

Serial No. 09/659,835

Filed September 8, 2000

Title: AMINO POLYOL AMINE OXIDASE POLYNUCLEOTIDES AND RELATED  
POLYPEPTIDES AND METHODS OF USE

Receipt is hereby acknowledged of the accompanying:

- Information for Withdrawal of Abandonment - PTO Has No Evidence That Mailed Correspondence Received (37 C.F.R. § 1.8(b))
- Copy of page of response mailed December 22, 2003 showing Certificate of Mailing executed December 22, 2003
- Copy of postcard identifying papers filed and showing U.S. PTO receipt stamp dated December 29, 2003
- Copy of complete response previously filed

This document and the documents referred to as enclosed therein are being deposited with the U.S. Postal Service in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, prior to 5:00 p.m. on the 19 day of August, 2004.

P05573US02      PHI 1134R      P020-847

LATA/pw



FEB 22 2005

## UNITED STATES PATENT AND TRADEMARK OFFICE

## OFFICE

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/658,835	09/08/00	DUVICK, JONATHAN P.	1134R

PIONEER HI-BRED INTERNATIONAL, INC.  
 7100 NW 62ND AVE DARWIN BLDG  
 PO BOX 1000  
 JOHNSTON IA 50131

EXAMINER	
IBRAHIM, MEDINA	
ART UNIT	PAPER NUMBER
1638	

DATE MAILED:  
02/17/2005

## NOTICE OF RESCINDED ABANDONMENT

- In response to your communication filed 2/4/05
- Through inadvertence, a Notice of Abandonment was mailed in the above-identified application. The Notice of Abandonment is hereby rescinded. The issue fee receipt will be mailed within six weeks..

(L) *Nina Motley*  
 Manager, Publishing Division  
 Office of Patent Publication



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NUMBER <b>09/658835</b>	FILING/RECEIPT DATE <b>09/08/2000</b>	FIRST NAMES APPLICANT <b>DUVICK, JONATHAN</b> P.	ATTORNEY DOCKET NUMBER <b>1134R</b>
--	--	--	--

PIONEER HI-BRED INTERNATIONAL, INC.  
7100 NW 62ND AVE DARWIN BLDG  
PO BOX 1000  
JOHNSTON IA 50131

Examiner  
**IBRAHIM, MEDINA**

Art Unit  
**1638**

Paper Number

Date Mailed: 03-02-05

## Notice Regarding Drawings

Corrected drawings for the above-identified application, received in the USPTO on 02/04/2005 are still not acceptable for the reason(s) identified on the attached PTO-948. Applicant is given one opportunity to correct the informalities within a two-month time period from the mailing date of this Notice. **THIS TIME PERIOD IS NOT EXTENDABLE UNDER EITHER 37 CFR 1.136(a) OR 1.136(b).** Failure to take corrective action within the set period will result in abandonment of the application.

ATTACHMENT: PTO-948 Notice of Draftsperson's Patent Review

A handwritten signature in black ink, appearing to read "Michael T. Tracy".

**RETURN CORRECTED DRAWINGS TO:**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**

Form PTO-948 (Rev. 06/03)  
Application No.09/65883JU.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

## NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 2/4/05 are:

- A.  approved by the Draftsperson under 37 CFR 1.84 or 1.152.  
 B.  objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. Corrected drawings are required.

**1. DRAWINGS.** 37 CFR 1.84(a): Acceptable categories of drawings: Black ink or Color (3 sets required).

Color drawings are not acceptable until petition is granted. Fig(s).

Pencil and non black ink not permitted. Fig(s).

One (1) full-tone set is required. Fig(s).

Photographs may not be mounted. 37 CFR 1.84(c).

Photographs must meet paper size requirements of 37 CFR 1.84(f). Fig(s).

Poor quality (half-tone). Fig(s).

**3. TYPE OF PAPER.** 37 CFR 1.84(c)

Paper not flexible, strong, white, and durable.

Fig(s).

Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted.

Fig(s) 1A - 2B

**4. SIZE OF PAPER.** 37 CFR 1.84(f): Acceptable sizes:

21.0 cm by 29.7 cm (DIN size A4) or

21.6 cm by 27.9 cm (8 1/2x 11 inches)

All drawing sheets not the same size.  
Sheet(s).

Drawings sheets not an acceptable size. Fig(s).

**5. MARGINS.** 37 CFR 1.84(g): Acceptable margins: Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

Margins not acceptable. Fig(s).

Top (T)      Left (L)  
Right (R)      Bottom (B)

**6. VIEWS.** 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes, e.g., if Fig. 1 is changed to Fig. 1A, Fig 1B and Fig. 1C, etc., the specification, at the Brief Description of the Drawings, must likewise be changed.

Views not labeled separately or properly.  
Fig(s).

**7. SECTIONAL VIEWS.** 37 CFR 1.84(h)(3)

Sectional designation should be noted with Arabic or Roman numbers. Fig(s).

## COMMENTS:

Reviewer

TaneyIf you have questions, call (703) 305-8404. 62283050333 X132Date 03/02/05

Attachment to Paper No. \_\_\_\_\_

March 18, 2005

Attorney Docket No: 05573US2  
PHI 1134R

SERIAL NO. 09/659,835

**INVENTOR:** DUVICK, et al.

TITLE: AMINO POLYOL AMINE OXIDASE  
POLYNUCLEOTIDES AND RELATED  
POLYPEPTIDES AND METHODS OF USE

**Please acknowledge receipt:**

## **Letter to Official Draftsperson (2 pages)**

Copy of original postcard of filing 12/29/2003

**Copy of Letter to Official Draftsperson filed 12/29/2003  
(2 pages)**

**2 Replacement Sheets of Formal Drawings**

## **Copy of Notice of Draftperson Patent Drawing Review**

LATA/bja

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : DUVICK, et al.  
SERIAL NO : 09/659,835  
FILED : September 8, 2000  
TITLE : AMINO POLYOL AMINE OXIDASE POLYNUCLEOTIDES AND  
RELATED POLYPEPTIDES AND METHODS OF USE  
  
Grp./A.U. : 1638  
Examiner : IBRAHIM, Medina Ahmed  
Conf. No. : 2865  
Docket No. : P05573US2 PHI 1134R

**LETTER TO OFFICIAL DRAFTSPERSON**  
**(37 C.F.R. § 1.85)**

**Mail Stop Issue Fee**  
**Attn: Official Draftsperson**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Per my telephone conversation with Draftsperson Tang today, attached are original replacement drawings and copies of the transmittals of the original filing of December 22, 2003. Reconsideration and allowance is respectfully requested.

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

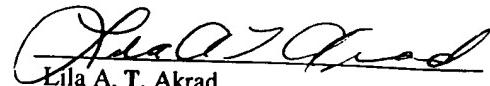
**MAILING**

deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Mail Stop ISSUE FEE, Alexandria, VA 22313-1450.

Date: 3/18/05

**FACSIMILE**

transmitted by facsimile to the Patent and Trademark Office, Art Unit 1638 at Fax No. (703) 872-\_\_\_\_\_.

  
Lila A. T. Akrad

Respectfully submitted,



LILA A. T. AKRAD, Reg. No. 52,550  
McKEE, VOORHEES & SEASE, P.L.C.  
801 Grand Avenue, Suite 3200  
Des Moines, Iowa 50309-2721  
Phone No: (515) 288-3667  
Fax No: (515) 288-1338  
**CUSTOMER NO: 27142**

Attorneys of Record

- bja -

December 22, 2003 Attorney Docket No. P05573US2

INVENTOR: DUVICK, et al.  
TITLE: AMINO POLYOL AMINE OXIDASE  
POLYNUCLEOTIDES & RELATED  
POLYPEPTIDES AND METHODS OF USE  
US SERIAL: 09/659,835  
FILED: September 8, 2000

Please acknowledge receipt:

Letter to Official Draftsperson (37 CFR 1.85) (2 pages)  
2 Sheets Replacement Formal Drawings  
Copy of Notice of Draftsperson's Patent Drawing Review

LATA/bja



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : DUVICK, et al.  
SERIAL NO : 09/659,835  
FILED : September 8, 2000  
TITLE : AMINO POLYOL AMINE OXIDASE POLYNUCLEOTIDES AND  
RELATED POLYPEPTIDES AND METHODS OF USE

Grp./A.U. : 1638  
Examiner : IBRAHIM, Medina Ahmed  
Conf. No. : 2865  
Docket No. : P05573US2 PHI 1134R

**LETTER TO OFFICIAL DRAFTSPERSON**  
**(37 C.F.R. § 1.85)**

**Mail Stop Issue Fee**  
**Attn: Official Draftsperson**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Allowability mailed October 3, 2003, please amend the above-identified application as follows:

Applicants respectfully submit that the drawings have now been amended to be in compliance with 37 C.F.R. § 1.84. Please substitute the new drawing sheets 1 and 2 containing Figures 1A-1B (sheet 1) and 2A-2B (sheet 2) for the drawing sheets presently of record. No new matter has been added.

---

---

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Mail Stop ISSUE FEE, Alexandria, VA 22313-1450.

**FACSIMILE**

transmitted by facsimile to the Patent and Trademark Office, Art Unit 1638 at Fax No. (703) 872-\_\_\_\_\_.

Date: 12/22/2003



Lila A. T. Akkad

## REMARKS

These drawing sheets include the corrections as required in the Notice of Draftperson's Patent Drawing Review enclosed herewith, dated September 25, 2003 in the above application. Please submit these new formal drawings in the place of the drawings presently of record.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



LILA A. T. AKRAD, Reg. No. 52,550  
McKEE, VOORHEES & SEASE, P.L.C.  
801 Grand Avenue, Suite 3200  
Des Moines, Iowa 50309-2721  
Phone No: (515) 288-3667  
Fax No: (515) 288-1338  
CUSTOMER NO: 27142

Attorneys of Record

- bja/LATA -

## NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 07-8-02 are:

- A.  approved by the Draftsperson under 37 CFR 1.84 or 1.152.  
 B.  rejected by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. The Examiner will require submission of new, corrected drawings when necessary. Corrected drawing must be submitted according to the instructions on the back of this notice.

**1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings:**

- Black ink. Color.
- Color drawings are not acceptable until patent is granted. Fig(s) \_\_\_\_\_
- Hand-drawn and black ink not permitted. Fig(s) \_\_\_\_\_
- Full-size not required. Fig(s) \_\_\_\_\_
- Photographs may not be increased. 37 CFR 1.84(c)
- Color prints (full-size). Fig(s) \_\_\_\_\_
- Type of paper 37 CFR 1.84(c)
- Paper not flexible, strong, white, and durable. Fig(s) \_\_\_\_\_
- Erasures, alterations, overwriting, underlining, folds, copy machine marks not accepted. Fig(s) \_\_\_\_\_
- Mylar, vellum paper is not acceptable (too thin). Fig(s) \_\_\_\_\_

**4. SIZE OF PAPER. 37 CFR 1.84(l): Acceptable sizes:**

— 11.0 cm by 14.0 cm (11 1/2 x 14 inches)

— 21.6 cm by 27.9 cm (8 1/2 x 11 inches)

— Drawing sheets not the same size.

— Drawing sheets not acceptable size. Fig(s) \_\_\_\_\_

**5. MARGINS. 37 CFR 1.84(g): Acceptable margins:**

— Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm  
SIZE: A4 Size

— Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm  
SIZE: 8 1/2 x 11

Margins not acceptable. Fig(s) \_\_\_\_\_

— Top (T) \_\_\_\_\_ Left (L) \_\_\_\_\_

Right (R) \_\_\_\_\_ Bottom (B) \_\_\_\_\_

**6. VIEWS. 37 CFR 1.84(n):**

REMINDER: Specification may require revision to correspond to drawing changes.

Partial views. 37 CFR 1.84(n)(2)

Brackets needed to show figure as one entity. Fig(s) \_\_\_\_\_

Views not labeled separately or properly. Fig(s) \_\_\_\_\_

Enlarged view not labeled separately or properly. Fig(s) \_\_\_\_\_

**7. SECTIONAL VIEWS. 37 CFR 1.84 (M)(3)**

Hatching not indicated for sectional portions of an object. Fig(s) \_\_\_\_\_

Sectional designation should be noted with Arabic or Roman numbers. Fig(s) \_\_\_\_\_

**8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(o):**

— Words do not appear on left-hand side, left-to-right fashion. Fig(s) \_\_\_\_\_

— Drawing page is either portrait or turned so that the top becomes the right side. Except for figures. Fig(s) \_\_\_\_\_

— Scale not large enough to show mechanism without crowding when drawing is reduced to less than two-thirds its reproduction. Fig(s) \_\_\_\_\_

— Drawing when reduced to less than two-thirds its reproduction. Fig(s) \_\_\_\_\_

**10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(p):**

— Lines, numbers and reference characters must be well defined, clean, durable, and black (over ink preferred). Fig(s) \_\_\_\_\_

**11. SHADING. 37 CFR 1.84(q):**

— Solid black areas pale. Fig(s) \_\_\_\_\_

— Solid black shading not permitted. Fig(s) \_\_\_\_\_

— Shade lines, pale, rough and blurred. Fig(s) \_\_\_\_\_

**12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.84(r):**

— Figures and legends not placed in the same direction as the views. 37 CFR 1.84(r)(1)

— Figures not oriented to the right. Fig(s) \_\_\_\_\_

— English alphabet not used. 37 CFR 1.84(r)(2)

— Numbers, letters and reference characters must be at least .32 cm (1/8 inch) in height. 37 CFR 1.84(r)(3)

— Fig(s) \_\_\_\_\_

**13. LEAD LINES. 37 CFR 1.84(t):**

— Lead lines cross each other. Fig(s) \_\_\_\_\_

— Lead lines intersect. Fig(s) \_\_\_\_\_

**14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(v):**

— Sheets not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) \_\_\_\_\_

**15. NUMBERING OF VIEWS. 37 CFR 1.84(w):**

— Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) \_\_\_\_\_

**16. CORRECTIONS. 37 CFR 1.84(x):**

— Corrections not made from prior PTO-948 dated \_\_\_\_\_

**17. DESIGN DRAWINGS. 37 CFR 1.852:**

— Section shading shown not appropriate. Fig(s) \_\_\_\_\_

— Solid black shading not used for color contrast. Fig(s) \_\_\_\_\_

**COMMENTS**

REVIEWER: 

DATE: 1-13-02

TELEPHONE NO. \_\_\_\_\_

ATTACHMENT TO PAPER NO. 091-15-D3

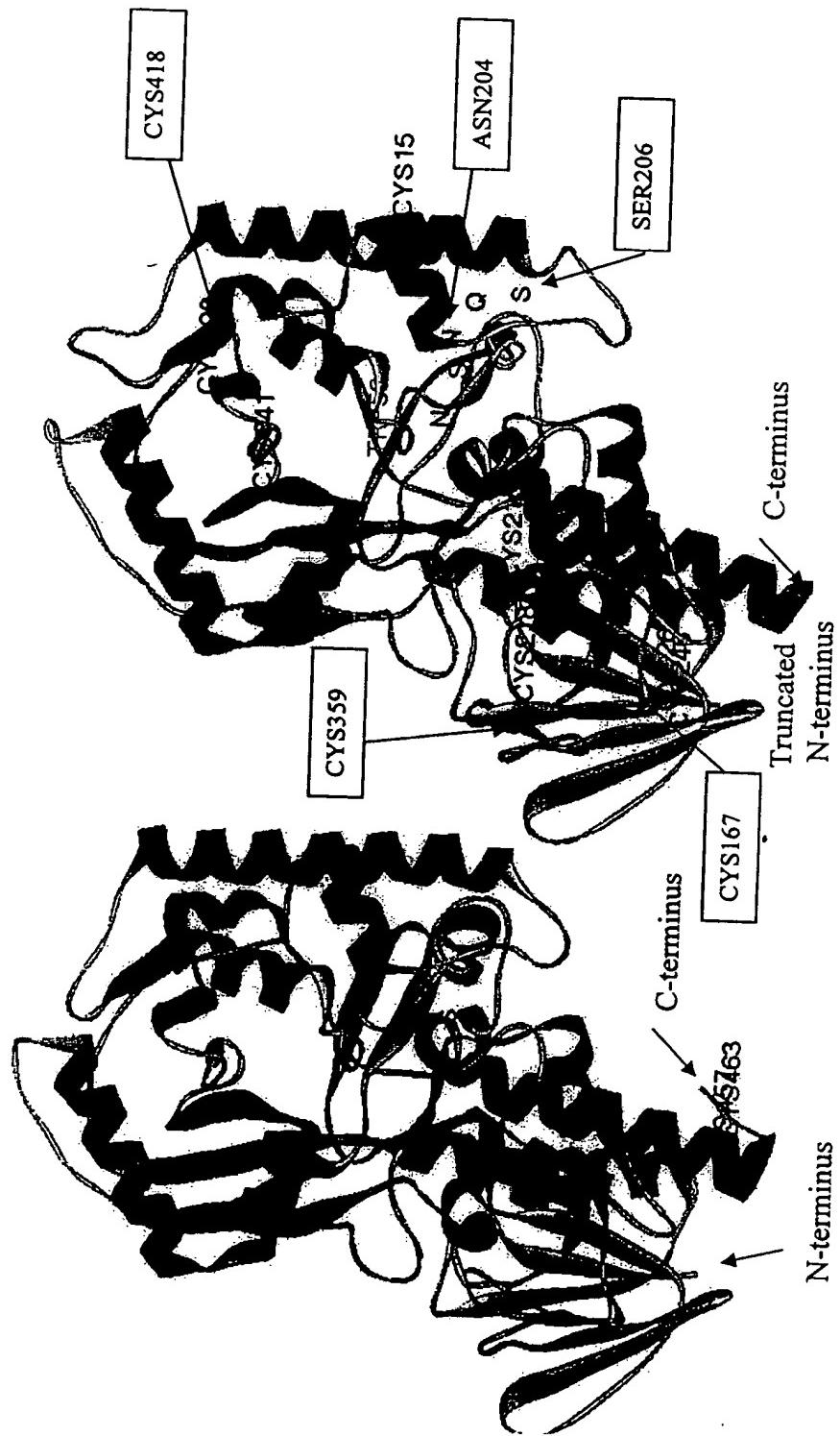


Figure 1A

Figure 1B

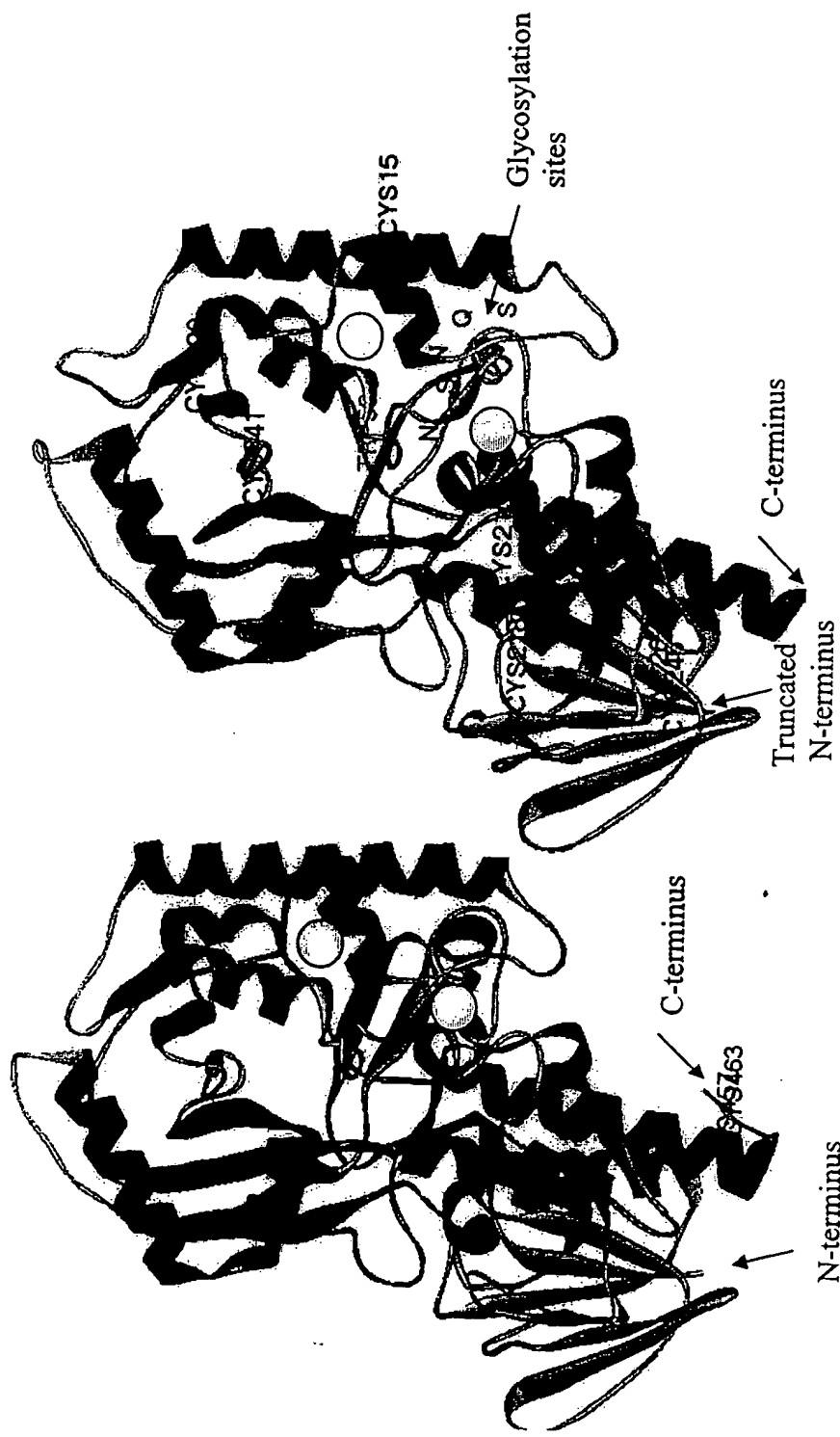


Figure 2A

Figure 2B

## Patt Wilson

---

**From:** Patt Wilson  
**Sent:** Tuesday, April 19, 2005 11:37 AM  
**To:** 'nhan.tang@uspto.gov'  
**Cc:** Lila A. T. Akrad  
**Subject:** 09/658,835 Replacement Drawings Mailed to PTO 3-18-05



DUVICK  
573US02 Drawings

APPLICANT : DUVICK et al.  
SERIAL NO : 09/658,835  
FILED : September 8, 2000  
TITLE : AMINO POLYOL AMINE OXIDASE POLYNUCLEOTIDES AND RELATED  
POLYPEPTIDES AND METHODS OF USE

Grp./A.U. : 1638  
Examiner : IBRAHIM, Medina Ahmed  
Conf. No. : 2865  
Docket No. : P05573US02

Dear Sir:

Per your request this date, attached please find a pdf copy of the documents mailed to the Patent Office March 18, 2005. Please let us know if you need anything further in order for you to complete your acceptance of the drawings so the above-identified application can proceed to allowance.

Very truly,

Patricia E. Wilson on behalf of Lila A. T. Akrad  
McKee, Voorhees & Sease, P.L.C.  
801 Grand Avenue, Suite 3200  
Des Moines, Iowa 50309-2721  
(515) 288-3667  
(515) 288-1338 (fax)

March 18, 2005 ; Attorney Docket No 105573US2  
PHI 1134R

SERIAL NO. 09/659,835  
INVENTOR: DUVICK, et al.  
TITLE: AMINO POLYOL AMINE OXIDASE  
POLYNUCLEOTIDES AND RELATED  
POLYPEPTIDES AND METHODS OF USE

**Please acknowledge receipt:**

Letter to Official Draftsperson (2 pages)  
Copy of original postcard of filing 12/29/2003  
Copy of Letter to Official Draftsperson filed 12/29/2003  
(2 pages)  
2 Replacement Sheets of Formal Drawings  
Copy of Notice of Draftsperson Patent Drawing Review  
LATA/bja

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : DUVICK, et al.  
SERIAL NO : 09/659,835  
FILED : September 8, 2000  
TITLE : AMINO POLYOL AMINE OXIDASE POLYNUCLEOTIDES AND  
RELATED POLYPEPTIDES AND METHODS OF USE

Grp./A.U. : 1638  
Examiner : IBRAHIM, Medina Ahmed  
Conf. No. : 2865  
Docket No. : P05573US2 PHI 1134R

**LETTER TO OFFICIAL DRAFTSPERSON**  
**(37 C.F.R. § 1.85)**

**Mail Stop Issue Fee**  
**Attn: Official Draftsperson**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Per my telephone conversation with Draftsperson Tang today, attached are original replacement drawings and copies of the transmittals of the original filing of December 22, 2003. Reconsideration and allowance is respectfully requested.

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Mail Stop ISSUE FEE, Alexandria, VA 22313-1450.

**FACSIMILE**

transmitted by facsimile to the Patent and Trademark Office, Art Unit 1638 at Fax No. (703) 872-\_\_\_\_\_.

Date: 3/18/05

  
Lila A. T. Akad

Respectfully submitted,



LILA A. T. AKRAD, Reg. No. 52,550  
McKEE, VOORHEES & SEASE, P.L.C.  
801 Grand Avenue, Suite 3200  
Des Moines, Iowa 50309-2721  
Phone No: (515) 288-3667  
Fax No: (515) 288-1338  
**CUSTOMER NO: 27142**

Attorneys of Record

- bja -

December 22, 2003 Attorney Docket No. P05573US2

INVENTOR: DUVICK, et al.

TITLE: AMINO POLYOL AMINE OXIDASE

POLYNUCLEOTIDES & RELATED

POLYPEPTIDES AND METHODS OF USE

US SERIAL: 09/659,835

FILED: September 8, 2000

Please acknowledge receipt:

Letter to Official Draftsperson (37 CFR 1.85) (2 pages)

2 Sheets Replacement Formal Drawings

Copy of Notice of Draftperson's Patent Drawing Review

LATA/bja



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : DUVICK, et al.  
SERIAL NO : 09/659,835  
FILED : September 8, 2000  
TITLE : AMINO POLYOL AMINE OXIDASE POLYNUCLEOTIDES AND  
RELATED POLYPEPTIDES AND METHODS OF USE

Grp./A.U. : 1638  
Examiner : IBRAHIM, Medina Ahmed  
Conf. No. : 2865  
Docket No. : P05573US2 PHI 1134R

LETTER TO OFFICIAL DRAFTSPERSON  
(37 C.F.R. § 1.85)

Mail Stop Issue Fee  
Attn: Official Draftsperson  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Allowability mailed October 3, 2003, please amend the above-identified application as follows:

Applicants respectfully submit that the drawings have now been amended to be in compliance with 37 C.F.R. § 1.84. Please substitute the new drawing sheets 1 and 2 containing Figures 1A-1B (sheet 1) and 2A-2B (sheet 2) for the drawing sheets presently of record. No new matter has been added.

---

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

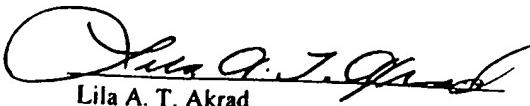
MAILING

deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Mail Stop ISSUE FEE, Alexandria, VA 22313-1450.

FACSIMILE

transmitted by facsimile to the Patent and Trademark Office, Art Unit 1638 at Fax No. (703) 872-\_\_\_\_\_.

Date: 12/22/2003



Lila A. T. Akad

## REMARKS

These drawing sheets include the corrections as required in the Notice of Draftperson's Patent Drawing Review enclosed herewith, dated September 25, 2003 in the above application. Please submit these new formal drawings in the place of the drawings presently of record.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



LILA A. T. AKRAD, Reg. No. 52,550  
McKEE, VOORHEES & SEASE, P.L.C.  
801 Grand Avenue, Suite 3200  
Des Moines, Iowa 50309-2721  
Phone No: (515) 288-3667  
Fax No: (515) 288-1338  
CUSTOMER NO: 27142

Attorneys of Record

- bja/LATA -

09/658835

## NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 9-8-00 are:

acceptable by the Draftsperson under 37 CFR 1.84 or 1.152.

rejected by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. The Examiner will require submission of new, corrected drawings where necessary. Corrected drawing must be submitted according to the instructions on the back of this notice.

### 1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings:

Black ink. Color.

Color drawings are not acceptable until patent is granted.

Fig(s) \_\_\_\_\_

Pen and ink or black ink not powdered. Fig(s) \_\_\_\_\_

Fig(s) \_\_\_\_\_

Full-size not required. Fig(s) \_\_\_\_\_

Fig(s) \_\_\_\_\_

Photographs may not be inserted. 37 CFR 1.84(c)

Fig(s) \_\_\_\_\_

Paper sturdy (half-toned). Fig(s) \_\_\_\_\_

Fig(s) \_\_\_\_\_

Type of paper. 37 CFR 1.84(c)

Fig(s) \_\_\_\_\_

Paper not flexible, strong, white, and durable.

Fig(s) \_\_\_\_\_

Erasures, alterations, overwriting, interlineations,

folds, copy machine marks not accepted. Fig(s) \_\_\_\_\_

Mylar, velour paper is not acceptable (too thin).

Fig(s) \_\_\_\_\_

SIZE OF PAPER. 37 CFR 1.84(l): Acceptable sizes:

11.0 cm by 16.7 cm (MEN size A4)

21.6 cm by 27.9 cm (8 1/2 x 11 inches)

Drawing sheets not the same size.

Fig(s) \_\_\_\_\_

Drawing sheets not an acceptable size. Fig(s) \_\_\_\_\_

Fig(s) \_\_\_\_\_

### 5. MARGINS. 37 CFR 1.84(g): Acceptable margins:

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

SIZE: A4 Size

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

SIZE: 8 1/2 x 11

Margins not acceptable. Fig(s) \_\_\_\_\_

Top (1) \_\_\_\_\_ Left (1) \_\_\_\_\_

Right (1) \_\_\_\_\_ Bottom (1) \_\_\_\_\_

### 6. VIEWS. 37 CFR 1.84(l)

REMINDER: Specification may require revision to correspond to drawing changes.

Partial views. 37 CFR 1.84(l)(2)

Brackets needed to show figure as one entity.

Fig(s) \_\_\_\_\_

Views not labeled separately or properly.

Fig(s) \_\_\_\_\_

Enlarged view not labeled separately or properly.

Fig(s) \_\_\_\_\_

### 7. SECTIONAL VIEWS. 37 CFR 1.84 (M)

Hatching not indicated for sectional portions of an object.

Fig(s) \_\_\_\_\_

Sectional designation should be noted with Arabic or

Roman numbers. Fig(s) \_\_\_\_\_

### 8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(l)

Words do not appear in horizontal, left-to-right fashion.

When page is rotated upright or turned so that the top edge becomes the right side, except for figures. Fig(s) \_\_\_\_\_

Scale and large enough to show maximum without

distortion. When drawing is reduced in size to two-thirds its reproduction, the scale must be reduced proportionately.

Fig(s) \_\_\_\_\_

Figures not arranged in horizontal, left-to-right fashion.

Fig(s) \_\_\_\_\_

Characters not clearly legible.

Fig(s) \_\_\_\_\_

Lines, numbers, letters, and reference characters not

defined, clear, distinct, and black (paper line quality).

Fig(s) \_\_\_\_\_

### 11. SHADING. 37 CFR 1.84(m)

Solid black areas pale. Fig(s) \_\_\_\_\_

Solid black shading not permitted. Fig(s) \_\_\_\_\_

Shaded lines, pale, rough and blurred. Fig(s) \_\_\_\_\_

12. NUMBERS, LETTERS, & REFERENCE CHARACTERS.

37 CFR 1.84(p)

Numbers and reference characters not placed in the

same direction as the views. 37 CFR 1.84(p)(1)

Fig(s) \_\_\_\_\_

English alphabet not used. 37 CFR 1.84(p)(2)

Fig(s) \_\_\_\_\_

Numbers, letters and reference characters must be at least

3.2 mm (1/8 inch) in height. 37 CFR 1.84(p)(3)

Fig(s) \_\_\_\_\_

13. LEAD LINES. 37 CFR 1.84(r)

Lead lines cross each other. Fig(s) \_\_\_\_\_

Lead lines intersect. Fig(s) \_\_\_\_\_

14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(t)

Sheets not numbered consecutively, and in Arabic numerals

beginning with number 1. Fig(s) \_\_\_\_\_

15. NUMBERING OF VIEWS. 37 CFR 1.84(v)

Views not numbered consecutively, and in Arabic numerals,

beginning with number 1. Fig(s) \_\_\_\_\_

16. CORRECTIONS. 37 CFR 1.84(v)

Corrections not made from prior PTO-948

dated \_\_\_\_\_

17. DESIGN DRAWINGS. 37 CFR 1.852

Surface shading shown not appropriate. Fig(s) \_\_\_\_\_

Solid black shading not used for color contrast.

Fig(s) \_\_\_\_\_

### COMMENTS

REVIEWER 

DATE 1-17-01 TELEPHONE NO. \_\_\_\_\_

ATTACHMENT TO PAPER NO. 09/15/03

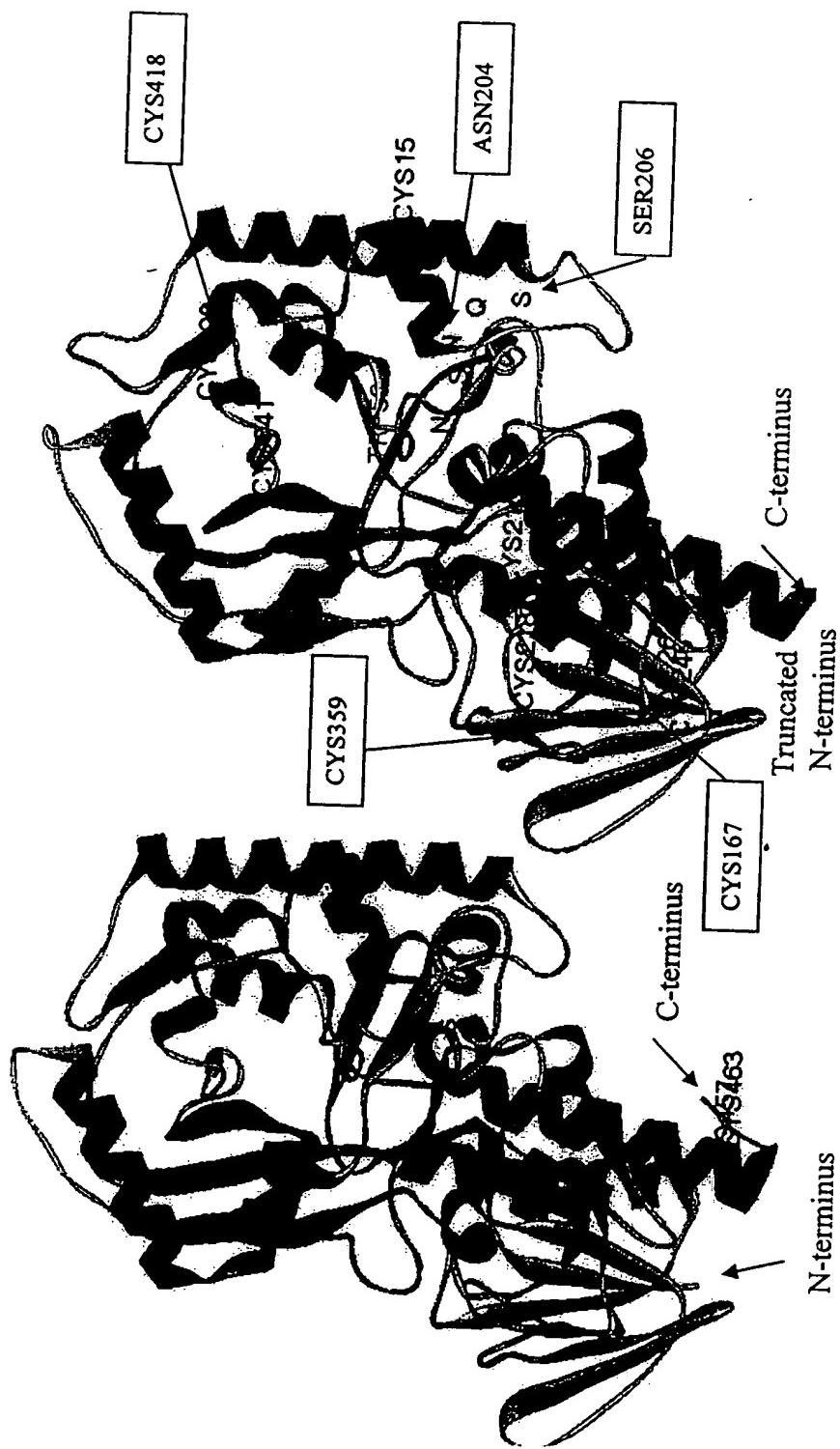


Figure 1A

Figure 1B

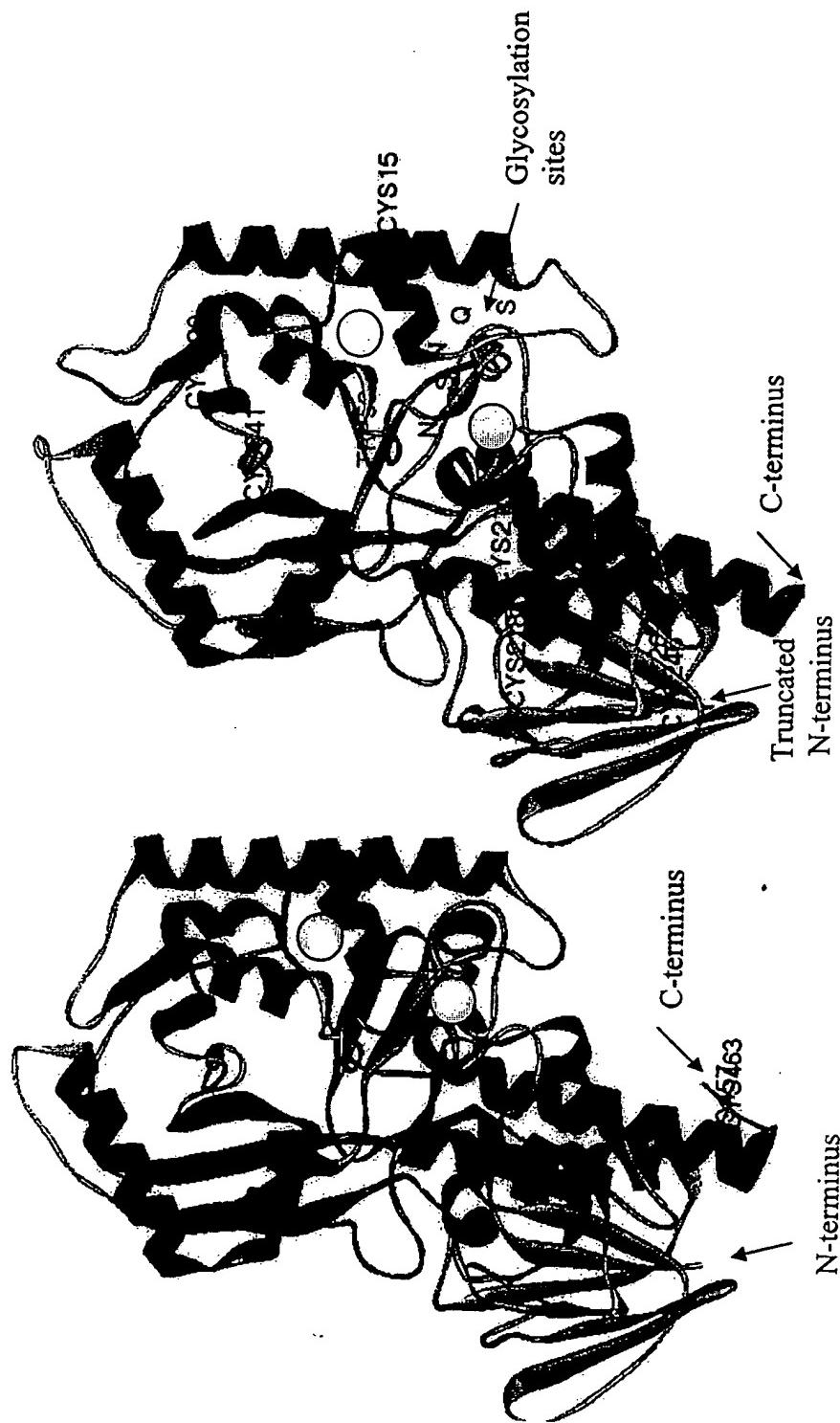


Figure 2A

Figure 2B

# Michelle L Woods

**From:** Patt Wilson  
**Sent:** Wednesday, April 27, 2005 9:08 AM  
**To:** Michelle L Woods  
**Cc:** Lila A. T. Akrad  
**Subject:** FW: 09/658,835 Replacement Drawings Mailed to PTO 3-18-05



09659835.pdf (190 KB)

Michelle, I am printing off a copy of this for your file. Just wanted you to have this message from Nhan Tang.

Patt Wilson  
McKee, Voorhees & Sease  
801 Grand Avenue, Suite 3200  
Des Moines, Iowa 50309  
phone: 515-288-3667  
fax: 515-288-1338  
e-mail: wilson@ipmvs.com

-----Original Message-----

**From:** Tang, Nhan [mailto:Nhan.Tang@USPTO.GOV]  
**Sent:** Wednesday, April 27, 2005 7:24 AM  
**To:** Patt Wilson  
**Subject:** RE: 09/658,835 Replacement Drawings Mailed to PTO 3-18-05

Dear Patt Wilson:  
The drawings are acceptable.

<<09659835.pdf>>

-----Original Message-----

**From:** Patt Wilson [mailto:wilson@ipmvs.com]  
**Sent:** Tuesday, April 19, 2005 12:37 PM  
**To:** Tang, Nhan  
**Cc:** Lila A. T. Akrad  
**Subject:** 09/658,835 Replacement Drawings Mailed to PTO 3-18-05

<< File: DUVICK P05573US02 Drawings (filed 3-18-05) LATA.pdf >>

APPLICANT : DUVICK et al.  
SERIAL NO : 09/658,835  
FILED : September 8, 2000  
TITLE : AMINO POLYOL AMINE OXIDASE POLYNUCLEOTIDES AND  
RELATED POLYPEPTIDES AND METHODS OF USE

Grp./A.U. : 1638  
Examiner : IBRAHIM, Medina Ahmed  
Conf. No. : 2865  
Docket No. : P05573US02

Dear Sir:

Per your request this date, attached please find a pdf copy of the documents mailed to the Patent Office March 18, 2005. Please let us know if you need anything further in order for you to complete your acceptance of the drawings so the above-identified application

can proceed to allowance.

Very truly,

Patricia E. Wilson on behalf of Lila A. T. Akrad

McKee, Voorhees & Sease, P.L.C.

801 Grand Avenue, Suite 3200

Des Moines, Iowa 50309-2721

(515) 288-3667

(515) 288-1338 (fax)

<<DUVICK P05573US02 Drawings (filed 3-18-05) LATA.pdf>>

**Patt Wilson**

---

**From:** Patt Wilson  
**Sent:** Tuesday, June 21, 2005 2:23 PM  
**To:** 'nhan.tang@uspto.gov'  
**Cc:** Lila A. T. Akrad  
**Subject:** 09/658,835 Replacement Drawings Mailed to PTO 3-18-05



?HI 1134R.pdf (257 KB)

APPLICANT : DUVICK et al.  
SERIAL NO : 09/658,835  
FILED : September 8, 2002  
TITLE : AMINO POLYOL AMINE OXIDASE POLYNUCLEOTIDES AND RELATED POLYPEPTIDES AND  
METHODS OF USE

Grp./A.U. : 1638  
Examiner : IBRAHIM, Medina Ahmed  
Conf. No. : 2865  
Docket No. : P05573US02 - 1134R

Per your telephone conversation with Michelle Woods on June 21, 2005, please find the pdf copy of the documents originally filed with the Patent Office March 18, 2005. Please let us know if you need anything further in order for you to complete your acceptance of the drawings so the above-identified application can proceed to allowance.

Very truly yours,

Patricia E. Wilson on behalf of Lila A. T. Akrad  
McKee, Voorhees & Sease  
801 Grand Avenue, Suite 3200  
Des Moines, Iowa 50309  
phone: 515-288-3667  
fax: 515-288-1338  
e-mail: wilson@ipmvs.com

**MVS Interoffice  
MEMORANDUM**

**CONFIDENTIAL**

**TO:** File  
**FROM:** Michelle L. Woods  
**DATE:** June 21, 2005  
**RE:** PHI 1134R - 09/658,835

---

On March 18, 2005 we sent in, via regular mail, another set of the corrected drawings and copies of the transmittals originally sent in on December 22, 2003. On April 19, 2005 I spoke with Draftsperson Tang to see if he had received the documents. He said he had not and requested that we send them to him via email, in pdf format and that he would send out a Form 940. On April 27, he sent a reply email stating that the drawings were acceptable. On June 21, 2005 I spoke with Draftsperson Tang about the form 940 that he was to have sent regarding the above-identified case. He said he did not have a record of the drawings having been sent. Per his request, the drawings and related papers from March 18, 2005 were emailed to him again in pdf format.

He called me back approximately 10 minutes later to inform me that we had sent the drawings for the wrong case. I assured him that they were the correct drawings and he responded by asking me to open the pdf and look at the serial number on the documents. This number was indeed incorrect by one number. The correct serial number is 09/658,835 and our documents had 09/659,835. I explained that this was a typographical error and that we would send out the drawings with the correct serial number. Draftsman Tang responded by saying that the case would abandon because the documents had the incorrect serial number and he could not speak to me about it anymore.

Thank you,



Michelle L. Woods

**MCKEE, VOORHEES & SEASE, PLC**  
**MCKEE, VOORHEES & SEASE, PLC**

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- BLACK BORDERS**
- IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- FADED TEXT OR DRAWING**
- BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- SKEWED/SLANTED IMAGES**
- COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- GRAY SCALE DOCUMENTS**
- LINES OR MARKS ON ORIGINAL DOCUMENT**
- REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**